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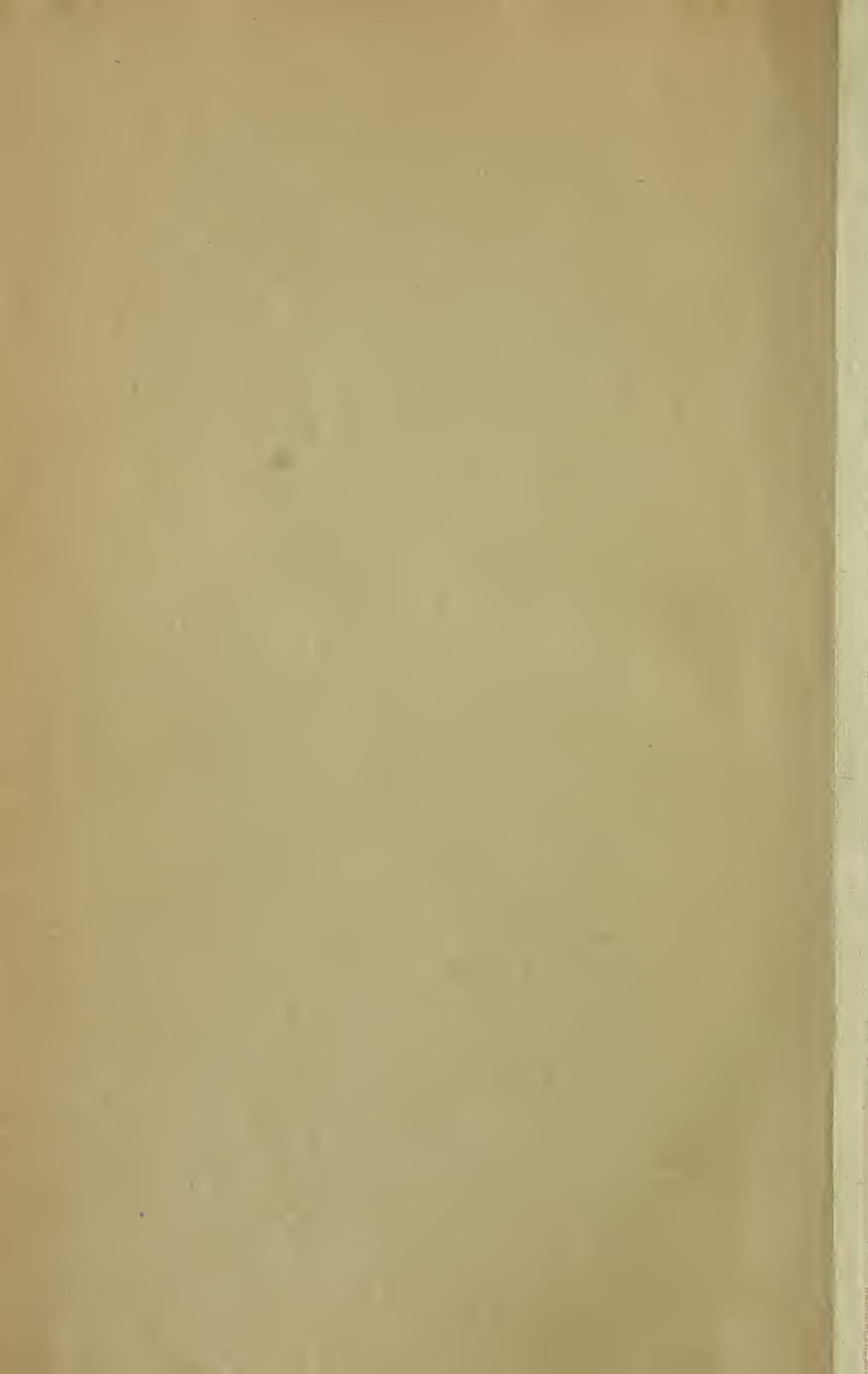


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The Parnell Commission

THE OPENING SPEECH  
FOR THE DEFENCE



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# The Parnell Commission

## THE OPENING SPEECH FOR THE DEFENCE

DELIVERED BY

SIR CHARLES RUSSELL, Q.C., M.P.

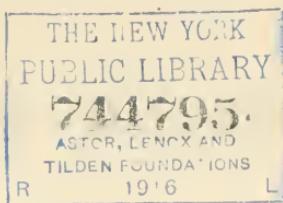
*CAREFULLY REVISED*

THIRD EDITION

London  
MACMILLAN AND CO.

AND NEW YORK

1889



*First Edition May 1889.*

*Reprinted June 1889.*

*New Edition August 1889.*

## PREFATORY NOTE

AFTER the termination of the action of O'Donnell *v.* Walter in July 1888, the Special Commission Act, 1888 (51 & 52 Vict. ch. 35) was passed :—“An Act to constitute a Special Commission to inquire into the charges and allegations made against certain members of Parliament and other persons by the defendants in the recent trial of an action entitled O'Donnell *v.* Walter and another.”

The Right Hon. Sir James Hannon, Sir J. C. Day, and Sir A. L. Smith were appointed Commissioners under this Act, and after a preliminary meeting on the 17th September this Commission held its first sitting on the 22d October 1888.

*The Times* was represented by :—The Attorney-General (Sir Richard Webster, Q.C., M.P.); Sir Henry James, Q.C., M.P.; Mr. Murphy, Q.C.; and Mr. W. Graham; with Mr. John Atkinson, Q.C., and Mr. Ronan, of the Irish Bar.

Sir Charles Russell, Q.C., M.P., and Mr. H. H. Asquith, M.P., appeared for Mr. Parnell.

For other members of the Irish party the Counsel were :—Mr. R. T. Reid, Q.C., M.P.; Mr. F. Lockwood,

Q.C., M.P.; Mr. Lionel Hart; Mr. Arthur O'Connor, M.P.; and Mr. Arthur Russell; with Mr. T. Harrington, M.P., of the Irish Bar.

Mr. Davitt conducted his own case, as did also Mr. Biggar, M.P., and Mr. T. M. Healy, M.P.

The "Blue Book" referred to in these pages was printed for the purposes of this Commission, and contains all *The Times* leaders, articles, letters, and reprints, constituting what is known as "Parnellism and Crime," together with the pleadings and proceedings in the action of O'Donnell *v.* Walter.

Sir Charles Russell's speech was concluded on the 12th April 1889, and has, in this publication, been revised by him from the official shorthand notes.

## NOTE TO THIRD EDITION

IN issuing the present edition it was necessary, for purposes of space, to omit some part of the Speech. The analysis of evidence has, therefore, been excluded, and matter of permanent historical value alone retained.



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# I

## OPENING OBSERVATIONS

MY LORDS, the sittings of this Commission—this unique Commission—have, up to to-day, reached the number of 63. There have been called before your Lordships in the course of this inquiry some 340 odd witnesses. There Witnesses. have been called, amongst others, 16 District Inspectors of the Royal Irish Constabulary Force ; 98 members of a subordinate kind belonging to that force ; a number of landlords and agents ; 18 informers, including some convicts ; one Irish priest, one only of the class in the Irish community best acquainted with the circumstances and the feelings of that community, and best able to inform your Lordships as to their circumstances and as to their condition. There have been also called five expert witnesses—experts on the question of handwriting. Captain O'Shea, the informer Delaney, and I am afraid I must add Mr. Soames and Mr. MacDonald ; and the fifth, Mr. Inglis, called and sworn, but fortunately for Mr. Inglis's reputation, not examined.

My Lords, from these witnesses has proceeded a very large body of evidence, a great part of which

I shall have to submit to your Lordships, after argument, and I hope demonstration, is wholly irrelevant to any real question in this case. For this is not an inquiry into the existence of crime, for that is known unhappily to exist in every community in a greater or less degree, and as to agrarian crime in a greater degree in communities like Ireland, cursed with a vicious land system.

My Lords, I cannot but feel in now rising to address your Lordships, that the utter, absolute collapse of the forged letters has taken out of this inquiry its pith and its marrow. It would be idle to affect that your Lordships do not know, what all the world knows, that without those letters there would have been no such Commission as your Lordships are now sitting upon, and that those letters are the only foundations on which rest the most reckless and the most calumniatory of the remaining charges and allegations. Those letters run through the story of the libels in *The Times*, playing the part of the warp in the weaving of these webs of calumny. Even if your Lordships had the power—I presume you have not—even if your Lordships desired, I presume your Lordships could not avoid discharging the duty which the statute casts upon you, of inquiring into the remaining charges and allegations apart from those letters, and it is to that part of the case, at the outset of my observations, I propose principally to address your Lordships.

The Accused.

My Lords, I would ask, who are the accused before your Lordships? I will tell you. Ireland returns to the Imperial Parliament 103 representatives. Ireland returns those representatives upon the principles on which the Constitution gives the right to return them.

She selects her representatives to interpret her wants and her wishes, to please no section of men, and no portion of this community, but to represent her. My Lords, of those 102 members, two are returned by the distinguished University of Dublin, Trinity College. Trinity College has been, if I may be permitted to make the observation in passing, always remarkable for returning men of considerable distinction, and it is now represented by two gentlemen of distinction; but it has commonly played the part of a port of refuge or a port of call for distinguished Irish lawyers, of one side of politics, on their way to the more peaceful haven of the woolsack or the judicial bench. Of the remaining 100 representatives returned for Ireland, 85 stand before your Lordships' bar, for although, upon a principle of selection that I do not understand, and do not think worth while to try and understand, only 65 have been named in these proceedings before your Lordships, the whole 85 stand firm and solid on the same public platform. Some may have been more or less active, some may have been, if you please, more or less indiscreet, or more or less discreet, but they are solid on the general principles upon which they have acted, and their conduct in respect of which is, in part, impugned before your Lordships.

My Lords, there is no county in Ireland from which there is not one or other of the parties for whom I appear sitting as a representative. In three provinces of Ireland they have the entire representation in their hands, and even for the province of Ulster, which some people are disposed to speak of as if it were not part of Ireland, but were something like a suburb of Glasgow, there is a majority of the Irish parliamentary party sitting. My Lords, why do I dwell upon this? To

point out to your Lordships that there is, as far as I know, no parallel in history, no parallel certainly in the division of political parties in this country, which presents so complete a picture of preponderating force of representative opinion, represented according to the forms of the Constitution, as is shown in the representation of Ireland to-day. But I have another purpose in mentioning this. I want to try and raise this issue out of that unmethodical heterogeneous mass of detail with which it is at present covered. I want to point out to your Lordships that in truth the attempt is here being made, in which your Lordships are asked to assist, to do what Edmund Burke declared had never been successfully done, to draw an indictment against a whole nation.

Indictment of a Nation. I say this for the purpose, not merely of stating what Burke says, but of pointing the meaning of what he says. What does he mean by saying that you cannot indict a nation? He means that when a movement becomes a movement of a whole people, that when there is a great national upheaval, the ordinary notions and rules of judicature borrowed from the Old Bailey and from *Nisi Prius* have no relation to such questions; that you are dealing in a higher region and with a broader issue than any in which the mere ordinary rules of judicature will help you.

Trying a Revolution.

My Lords, for ten years, from 1879 to 1889, it is no exaggeration, it is the literal truth, to say that there has been going on in Ireland a great revolution—social partly, political partly. It is the truth to say, even so early I venture to put it, that your Lordships are here to-day trying that revolution under the Queen's Commission, while there are across the Channel, in Ireland, numbers of the Queen's Courts, at least as

regularly constituted as this, gathering for the Irish people the fruits of that very revolution.

I have pointed out who the accused here are. Who <sup>The</sup> Accusers. are the accusers? The accusers are a company or a co-partnership, or a syndicate, I know not which, called by the public in ordinary parlance *The Times*; who, if they have been consistent in nothing else, have been consistent in their unrelenting, unvarying hostility to the Irish people, and the cause of the Irish people.

It is now a good many years ago, but the incident is an instructive one, when *The Times*, during the Lord Lieutenancy of Lord Mulgrave, put into its columns these words:—

“It has been proved beyond a doubt that Lord Mulgrave has actually invited to dinner that rancorous and foul-mouthed ruffian O’Connell.”

We have here in these words the keynote to the mis-government of Ireland. It is the fashion nowadays to praise O’Connell, and a distinguished Minister of the day, indeed the principal Irish Minister, has gone the length of claiming O’Connell as a supporter of his policy! But what did the writer mean when he made that complaint against Lord Mulgrave? Lord Mulgrave was the Queen’s Lord Lieutenant in Ireland, charged with the duty of the government of that country, bound—if indeed it be true that Governments exist for the good of the people and not for the benefit of the governors—to consult, by the best and every means in his power, the interests, and to regard the wishes, of the people over whom he ruled, and yet it is made in the columns of this paper a charge and indictment against him that he has sought companionship with, has sought counsel with, has sought to get some touch-point, and means of

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contact with popular opinion and feeling in Ireland. It is the want to which I shall have again and again to refer in the course of this case: it is this absence of contact with the people, with the representatives of the people, absence of the means of knowledge of their wants and of their wishes, that has been one of the grievous disasters in Ireland's government in the past, ay, and in the present day.

My Lords, the same paper later, again and again vilified the Irish priesthood—as devoted a body of clergy as probably the world has ever seen—as a band of “surpliced ruffians.” The same paper, later in 1846, again and again exulted in that cruel decimation which an artificial famine had brought on the Irish people, and exultingly exclaimed that “at last the Irish were gone, and gone with a vengeance.” Unhappily for the peace of the country they were “gone with a vengeance,” the fruits of which to-day we are to some extent reaping.

The same paper in 1848 expressed the hope that the Young Ireland rising would be such as would enable the Queen's troops with the Queen's artillery to mow down the Queen's subjects in Ireland wholesale. Lastly, and in comparatively recent days, speaking of the emigration from Ireland draining the manhood of the country, and leaving behind in undue proportions the old and the feeble, it likened that stream of emigration across the Atlantic to the passage of rats from an empty ship in dock to a laden and freighted ship—the passage from one to the other by the hawser which joined them together.

My Lords, I know not which has been the worst factor in the misgovernment of Ireland—the influence of *The Times*, which undoubtedly once was great, or the influence of a section of the Legislature to whose action

I shall have hereafter to refer your Lordships. It is true to say of *The Times* that to the misuse of its influence in times gone by, and in recent days, has been attributable—fairly attributable—much of that estrangement of feeling, much of that soreness of mind on the part of the Irish people in relation to England, which, unhappily, to a great extent exists. I admit that there have been gleams, transient gleams, of intelligence and statesmanship in *The Times*, but I say they have been far more than counterbalanced by its persistent and consistent tone, now of insolent abuse, now of still more insolent condescension.

That this is a matter which is recognised by men not otherwise friendly to the Irish people I would like to justify by a reference to the writings of one of the contributors to the libels in question—I mean Mr. Bagenal, who uses this language. Speaking of Ireland he says:—

“ Its treatment by the English press was indignantly resented by the emigrant Irish themselves, and by their countrymen in America, and read by the light of modern events, there can be little doubt that the tone of such journals as *The Times* and *Saturday Review* in their treatment of Irish subjects was well calculated to excite the indignation of the principal actors in the heartrending exodus of those days. For the leader-writer of a paper to look at the ‘long agony of Ireland’s misfortunes’ as a naturalist would on an operation of nature, was entirely philosophic, and for a Government to expedite that operation was no doubt a pleasing task. But we can hardly be surprised that, after the sufferings of the people under the teachings of John Mitchel and his followers, the emigrant Irish should look upon their own dispersion as anything but a philosophical or pleasing matter. Nay, that they should carry with them seeds of enmity against the country whose press treated them, as they thought, so scornfully and cruelly in their trouble and exile, is but natural, and that they should transmit that enmity to their offspring is almost a matter of necessity.”

My Lords, I have dwelt upon this perhaps longer than may have seemed to be necessary, but I cannot shut my eyes to the fact that the columns of *The Times* supply the daily mental pabulum which feeds a large proportion of the governing classes of this country. I cannot but feel that amongst these classes your Lordships may be included, and I do desire at the outset, if it will help to the understanding of this case, that your Lordships should know how *The Times* is in truth regarded—what has been its teaching in the past. But in this reference I have one consolation. It is the recollection of the fact that it has been the fate of *The Times* to help forward to success every cause it has opposed. Nor are these my words. They are the words of one of the greatest statesmen of our time, now dead. I mean Richard Cobden, who says:—

“By its truculent—I had almost said ruffianly—attack on every movement while in the weakness of infancy, it has aroused to increased efforts the energies of those it has assailed; while, at the same time, it has awakened the attention of a languid public, and attracted the sympathy of fair and manly minds. It is thus that such public measures as the abolition of the corn laws, the repeal of the taxes on knowledge, the negotiation of the treaty of commerce with France, triumphed in spite of these virulent, pernicious, and unscrupulous attacks, until at last I am tending to the conviction that there are three conditions only requisite for the success of any great project of reform—namely, a good cause, persevering advocates, and the hostility of *The Times*.”

This is the accuser.

When Accusations made.

When were the accusations made, and under what circumstances? Let me remind your Lordships that, always excepting the letters which first saw the light in 1887, there is nothing which has been proved before you, except of course the proof of later crime, that was not known, that was not canvassed, that was not dis-

cussed in the columns of the papers and in the House of Commons previous to and in 1883. The election of 1885 came, and at that election of 1885—your Lordships are not politicians, and therefore I may be forgiven for reminding you—induced, by what promises, real or supposed, I stop not to inquire—the Irish party were helping one great political party in the State, I mean the Tory party. That party sought their help, were grateful for their help, stood upon the same platforms with them, and the Irish members were thanked by them for their efforts. Was it supposed then that these men, whose hands they took, beside whom they stood on platforms throughout the country, were the direct accomplices in crime, as is now suggested?

Well, my Lords, that election passed. A distinguished, high-minded, and I will say broad-minded, sympathetic statesman went in the character of the Queen's Lieutenant to Ireland—I mean Lord Carnarvon. There had long been present to thoughtful minds, what must have more than once come up in your Lordships' minds, the belief that there must be something indeed "rotten in the state of Denmark"—that there must be something indeed grievously, radically wrong in the state of Ireland, which presents the great mass of the people—with regret be it said—not in sympathy with the law or government or administration, that mass of the people representing the real controlling political power in the land. It must have long struck thoughtful minds that surely it was at last time for trying the experiment whether the mass could not be won upon the side of the law, made a party in sympathy with—in support of the law, by bringing that law and the government more in consonance with their feelings, and by trying that ex-

Lord Carnarvon.

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periment which history tells has never failed—the experiment of putting upon the people and upon their leaders the responsibility for their own government.

Two  
Powers in  
Ireland.

It is no exaggeration to say that in Ireland there stood and stand two powers; one the power of the Queen, constitutional, lawful, backed up by all the resources of the Crown, and its great Imperial executive, and yet comparatively a weak power, because it has not behind it, holding and sustaining it, that moral sanction, that moral support, which spring from a sense of benefits received, assent given, and protection afforded, and without which, in these days of free discussion and free thought, no government can in the face of the civilised world long and permanently endure: the other power, extraordinary and unconstitutional, exercised by men who have comparatively little responsibility, because the law and constitution have not put it upon them—moral responsibility I admit they have—legal and constitutional responsibility is what I am speaking of, yet it is *the* power, the real power in the land, because there goes out to it the willing feeling, sanction and assent of the mass of the people.

Lord Carnarvon thought that the time had come when he should do what Lord Mulgrave was reprehended by *The Times* for doing in the case of O'Connell. I am not going to suggest that Lord Carnarvon was committed to any definite views upon any political question. That is foreign to my purpose, and I am not discussing that in the least, but it is clear that with the knowledge, and knowledge means assent, of the Prime Minister, Lord Carnarvon, in the autumn of 1885, sought counsel with Mr. Justin M'Carthy and Mr. Charles Stewart Parnell with reference to the future govern-

ment of Ireland. Again, I wish not to be misunderstood. I am not suggesting, nor is it material to my purpose to suggest, whether Lord Carnarvon had in his own mind any definite scheme in view; it is enough for me to say that he did it, and I honour him for it. He thought it right that, representing the Queen's authority in Ireland, he should put himself in communication with the popular leaders of opinion in Ireland with a view to bringing into greater harmony, with the feelings of the people governed, the law, and the administration of the law in that country. Did he believe, did Lord Salisbury believe, that Mr. Parnell and Mr. Justin M'Carthy, and their followers, were red-handed from the commission of systematic crime, or were in direct complicity with the perpetration of systematic crime? No, my Lords, they did not! It is after that event that these calumnies are published. Something else had happened. The change of Government had happened, and that new Government proceeded very much upon the indications, so far as they were indications, of the views which Lord Carnarvon had in that matter. The great policy, as it was regarded by a considerable—I will say no more—by a large and important section of the British community, the great Policy of Reconciliation with Ireland was proposed. That Policy of Reconciliation was gratefully, gladly accepted by the Irish people, and it wrought in the tone and temper of that people a change so marvellous that I think it ought to teach the future rulers of Ireland that, while Ireland's contest for the rights of self-government cannot and will not be abandoned and surrendered, that it cannot be put down by force—yet that the Irish people have feelings and characteristics peculiarly accessible, and that they are peculiarly grateful when they see the attempt made, and

honestly made, to meet their views and their constitutionally expressed wishes. But that policy was rejected. The country was not ripe for it. Ireland, of course, pronounced for it; Scotland pronounced for it; Wales pronounced for it; England did not. An amount of prejudice, ignorance, want of information, prejudice of race, prejudice of religion, still hung round the question to some extent, I am glad to think to a lessening extent, but still hung round the question.

My Lords, I have mentioned who the accused are. I have mentioned who the accusers are. I have mentioned when the accusations were made.

The Accusations.

What are the accusations? At this stage I am not going to deal with them in detail; that I will do at a later time, and when I do I shall take them, not with the milder gloss which occasionally the language of the Attorney-General has sought to put upon them, but I shall take them from their original source, as they originally appeared, as they were intended to be understood, as they were understood. For my present purposes, my Lords, it is enough to say that the accusations may be broadly stated thus: That the movement in Ireland was carried on by its leaders by means of an organised and paid system of murder and outrage, which such leaders carefully calculated upon and coolly applied; that they aided, with money and otherwise, the flight of criminals from justice; and that the public denunciations of crime, including the Phoenix Park murders, which were uttered by them, were lying, false, and hypocritical.

Need I point out, if I have rightly stated those charges, that those are charges of the gravest criminal significance? This is no charge of moral responsibility for crime, incidental to a great public and national movement and organisation. It is a deliberate charge

of systematically, coolly calculating and deliberately applying a system of murder and of outrage, and I have to ask the question:—If, as I cannot doubt, I have rightly stated the case, why did not the Government prosecute? Why are we here before your Lordships' Court instead of standing in the dock at the Old Bailey, if a dock large enough could be obtained? and why were we not standing years ago in that position? My Lords, I am not uttering in this case one word of a party speech. Politics I must refer to. "Party" I shall not in any "party" sense refer to. I am not here to attack one Government or another, one party or another. The Government of the party which is not now in power did prosecute a certain section of the Irish leaders. In 1879 Mr. Davitt was prosecuted. In 1880-81 Mr. Parnell and many of his colleagues were also prosecuted. Up to that time, and for the purposes of that latter trial, the charge was, as well as I recollect it—I will be glad to be put right if I am wrong—the charge of conspiring to induce or to prevail upon or to intimidate—I am not sure what form it took—certain classes in Ireland, meaning the tenant farmers, not to satisfy their legal obligations. That was the substance, I think, of the charge, and Mr. Healy, who is one of the accused before you, humorously remarked the other day when some of the speeches were being read, that he had already been tried upon some of those charges, and he wanted to know whether before your Lordships the plea of *autrefois acquit* might not be put in; but it is the fact that up to that date, namely, the end of 1880, a number of the speeches which have here been relied upon as evidence of the criminality of these defendants were made the subject of the trial, which resulted in

the disagreement of the jury, the exact figures of which I do not trouble your Lordships with, because of course they are not always to be relied on. That the Liberal Government did ; and neither the Liberal Government in former days nor the Tory Government has shown the slightest indisposition to prosecute the Irish members when in their judgment there was sufficient reason or cause. We have had in recent days a number of prosecutions of publicans for refusing drink to the police, of carmen refusing cars to the police, of news-vendors for selling newspapers of an alleged objectionable kind, of newspaper owners, of foremen printers of newspapers, and I think prosecutions against no less than 24 members of Parliament. Therefore a Government of neither party has shown any indisposition to prosecute where they believed there were grounds for prosecution. The opinion, I need not add, of the Irish members, and of certainly a very preponderating portion of the Irish people, is, that that disposition to prosecute has been shown where there were no sufficient grounds for it. Why, then, did neither Government take this course, and why is it that we are here ? Why is it that this case is being conducted at the instance of what I may call for this purpose a private prosecutor ? My Lords, the only answer that can be given, and I submit it is the proper answer, is because the advisers of the Government—those who knew the whole state of the case—did not believe, however they may have in their minds condemned the conduct, characterised the indiscretion, it may be, of Irish members, they did not believe there was any just, real, tangible ground for making criminal charges against those members.

Why have  
not the  
Govern-  
ment pro-  
secuted?

Now, my Lords, I have put those questions, and so

far answered them. There are one or two others I must still put and proceed to answer.

How has this case been conducted before your Lordships? I say, while in form it is not a Government prosecution, it has in fact been conducted in a way which has given to the prosecutors all the advantages of a Government prosecution, and given to the accused none of the advantages to which they would have been entitled had it been in form a Government prosecution. I wish not to be misunderstood. I am not canvassing or discussing the question whether it is not perfectly right that the Government should give all the assistance they can to the prosecution. For my present argument I am most willing to assume, and do assume, that they would be perfectly right and justified; but what I am desiring to point out to your Lordships is the way in which that has worked. What has been the state of things? Why, my Lords, Lincoln's Inn Fields has at times presented much the appearance of a camping ground for that military force known as the Royal Irish Constabulary, collecting to form the *posse comitatus* of a sheriff on his way to a great eviction scene. Mr. Soames's office, we have heard in the course of the case, has been constituted a kind of police registry for the Royal Irish Constabulary Police in London. We have had, "thick as leaves in Vallambrosa," district inspectors and magistrates crowding even the very benches where the Counsel of the Queen sit, aiding, helping, and suggesting the conduct of this case. We have had magistrates assisting and taking evidence, and policemen seeing witnesses personally—personally conducting them, buying their tickets, paying their conduct-money. We have seen secret documents produced, of which more will have to be said hereafter, and

the Case.

placed at the disposition of the prosecutors. We have secret spies enlisted in their service, and we have had the gaols of the country, the gaols of the kingdom, scoured to see, whether from the refuse, there might not be produced witnesses who will do some little bit of dirty work in trying to defame and to blacken the character of the Irish Parliamentary Party. This is a serious thing, more serious than I thought it to be when, as I have only recently learned, this was done, not merely by the Walkers, and the Thompsons, and the Shannons, but done by police officers in considerably high authority, and done even by that wretched man to whose name I must hereafter refer—I mean Pigott—all these people going to these gaols in the character of friends of the convicts, and going as though to pay friendly visits which the rules of the prison enabled to be paid, to break the dreary monotony of their convict life! My Lords, this suggests serious reflection. A man sentenced to twenty years' penal servitude, character lost, separated from wife and children and kinsfolk, is visited, is told that he may have the opportunity of coming and giving evidence, is asked whether he knows anything to incriminate Mr. Parnell or Mr. Parnell's colleagues; for I suppose the visitor would hardly be a more careful emissary than Mr. Houston was when he gave that famous commission to Richard Pigott, to see whether he could or could not obtain documents incriminating Mr. Parnell and others. And, my Lords, without any vulgar temptation, without even suggestion of possible benefit, eager hope in the wretched convict's mind would conjure up a picture, and he would believe that if he could give evidence, valued by those who approached him, the prison doors might earlier be opened for him, and the light of God's

heaven shine upon him, and he might see once more his friends, his kinsfolk, his children, from whom he was so separated. My Lords, with those temptations, tried as one cannot doubt with the facts we know, again and again, it is a marvel not that the man Delaney has come and said what he did, but that he has not been able to say more, and that none others have been found of the scourings of the gaols to come and add their story to this tale of infamy and calumny. I say, then, that this case has been conducted with all the advantages to the accusers as if it had been in form a Government prosecution.

I say, on the other hand, it has been conducted without any of the advantages to the accused which would have been acquired had it been in form a Government prosecution. My Lords, if this were a Government prosecution there would have been a preliminary inquiry; at that preliminary inquiry the accused would have heard the evidence against them. They would have had the right of cross-examination; they would have had an interval between the magisterial inquiry and the actual trial in the ultimate criminal court, of considering their position, of inquiring into the antecedents of the witnesses called against them, and if it had been, as frequently happens, that between the magisterial inquiry and the actual trial fresh evidence had been forthcoming, it would have been the duty of the prosecutors, according to the known and humane practice observed in these proceedings, to have furnished to the accused and to their advisers copies of any fresh evidence proposed to be tendered against them. What has been the case here? I state in the presence of my learned friends—the Attorney-General is not here, my Lord—but I say it has been a game of surprises. I say deliberately again, a “game of surprises”; and I will ask

Disadvan-  
tages of  
Accused.

A Game of Surprises. your Lordships to judge in a moment whether the reasons upon which this course of action is justified are sufficient or not. I say that they have, so far from giving us any particulars that were of any real assistance, given us none ; that they have abstained from giving us, in answer to repeated inquiries and demands, notice of witnesses or even the subject on which the witnesses were to be called. I will do my learned friend who is sitting near me (Sir Henry James) the justice to say that he has more than once tried to give me such assistance, but he has only been able to give it to me to a very imperfect degree ; and I submit to your Lordships broadly, with the full assent of my learned friends, that as regards the most important witnesses called before you, until they were called into the box we had no notice of them, and had no knowledge of their antecedents. As regards many persons coming from Ireland, frequently we had some information, because it was known—it was talked about in the neighbourhood—that they had been subpœnaed and brought here by the police, and so the fact of their coming became known to us. All we knew was that they had been subpœnaed, but not when they were coming, much less what they were coming about. We had no information.

I will give your Lordships one illustration of this, the case of a man called Walsh, from Kiltimagh, Mayo—a boy he was. The Attorney-General was instructed to get up and state that he was obliged to call this witness out of his turn, because there were urgent reasons why he should be examined, and why he should go back to Ireland. That boy Walsh was called. My Lords, Mr. Lockwood, when he was in the box, said : “ I think I have got a letter about this man.” He went for the letter, and it was handed to me when I was in the act of

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cross-examining him ; and upon that lad's confession it appeared that he had been guilty of at least three acts of fraud and of dishonesty, and certainly with the assistance of that letter I think we were able to show to you that he was not a witness upon whose unsupported testimony you would place much reliance. Why was that witness launched at that stage of the day ? I await the explanation, and I hope the explanation will be forthcoming. He was the witness, you will recollect, who had the interview with Mr. Allan, the District Inspector, and to whom, if the witness's account is reliable—I am sure I do not know whether it is or not, and I do not want to be unjust to Mr. Allan or anybody else ;—but according to the witness Walsh, this policeman, before Walsh was told he would be required to give evidence here, delicately insinuated to him that he was liable to be prosecuted for one of those very acts of fraud or dishonesty which he had committed. My Lords, it has been the same through the piece. The man Delaney, the man Beach, or Le Caron, whom I regard—I may, of course, be wrong in taking that view of the case, but whose evidence I consider the most valuable that has been given in this case in the interests of Mr. Parnell, was examined here, but we never before heard his name ; we knew nothing about him. I might go through the whole catalogue of witnesses and tell you the same. It has therefore been a game of surprises in which, deliberately, for reasons I presume they thought adequate, my learned friends have kept us in the dark as to the substance of their evidence, and the witnesses who were to depose to it. What was the reason given ? I understand no reason to be given or suggested, except two—two very grave reasons if well founded. One was the dread, as I understand it, of the witnesses being tampered with. So far

as I recollect, there have been in the whole course of the case only two suggestions bearing upon that point. One was the suggestion that one witness was taken by an Irish friend of his, who apparently sympathised with Mr. Parnell and Mr. Parnell's colleagues, to the office of Mr. George Lewis. The other was the suggestion which the Attorney-General made (I am sorry he is not able to be here), for which he has not yet made the apology which he must in some form or other make before this case ends—I mean the imputation which he made upon my learned friend Mr. Harrington, and upon Mr. Harrington's brother, although they indignantly denied it before your Lordships' Court, that they had at the adjournment sought to tamper with one witness. The other suggestion was that the communication of the names of these witnesses might expose them to danger. That, of course, is a subject which naturally affects one's mind; but there has not been through the whole of this case, so far as I am aware, a suggestion that there was any appearance of danger, or any attempt in any shape or form, with these two exceptions I have mentioned to your Lordships, in any way to interfere with any of these witnesses. But even these reasons would not have applied to a very large mass of their witnesses—land agents, landlords, their policemen, their police agents, the district inspectors, and the magistrates. I say all this because I have found the greatest difficulty in this muddle of evidence in putting it into some shape or methodical form.

Further, I say that this case has been pressed pertinaciously, rancorously, not as if this were a criminal case, but as if it were a struggle, over the flimsiest issue at *Nisi Prius*, who should get the verdict. There has been no sense of generosity to a number of men, colleagues in

Parliament of two of my learned friends ; and, my Lords, this although, forsooth, the constitution of this Commission was supposed to have been graciously conceded by a gracious Government to enable Mr. Parnell and his colleagues to have an opportunity of freeing themselves from grave imputations ! this, my Lords, although, forsooth, the position taken up at the beginning, the initial stage of this inquiry, by my learned friend Mr. Graham, and persevered in with greater or less fervour by the Attorney - General, was that *The Times* were here, not in truth in the character of prosecutors, seeking by hook or by crook to stamp indelibly the character of criminal infamy upon the defendants, but that they were here as impartial friends, to enable your Lordships to arrive at the truth and justice of the case !

My Lords, this is in its essence and in its nature a criminal case. I cannot but recall an incident which happened during the time when my learned friend near me was Attorney-General. A clergyman from the North of Ireland, a Presbyterian minister, during the trial of some dynamitards was in London, and was anxious to see the trial then proceeding at the Old Bailey. He went and heard it. He is a well-known person in the North of Ireland—Professor Dougherty. When he returned he said he never was more amazed in his life. He said if criminal trials in Ireland were only conducted as that criminal trial was conducted, then indeed the law would be respected as a different thing ; and he gave to my learned friend that praise which he so fully deserves, but which, of course, was merely for conduct which we all knew he would pursue, of extreme fairness towards the prisoners and extreme desire that nothing should come out that was not strictly relevant to the

issue and strictly evidence in the case. But I say all that has been forgotten and reversed in this case, and we have been (I will not say unscrupulously, but pertinaciously) fought inch by inch, as if this had been something which concerned merely the private rights of parties, in place of involving great criminal charges against the representatives of a great political party.

Further, I charge that this case has been conducted with the purpose (unavowed, but with the purpose), by a repetition of the incidents of crime, by calling witness after witness to prove facts of crime which were not in dispute, I will not say of prejudicing your Lordships' minds (although it would be a marvel if it had not to some extent done so), but for the unavowed purpose of deepening in the public mind the prejudice existing, already grievous and sad enough, and suggesting that the Irish people are a nation of criminals ; for, I do ask your Lordships, if that was not the purpose unavowed, what was the legitimate object which was to be served by calling to tell their sad and distressing story in the gaze of the public and in their widow weeds, for example, Lady Mountmorres, and Mrs. Blake, and Mrs. Curtin, and Mrs. Fitzmaurice ?

Charged as  
a Conspir-  
acy.

My Lords, one other point in this connection. Before your Lordships the case has been a good deal put by the Attorney-General as being a criminal charge of criminal conspiracy, the criminal conspiracy being the Land League, criminal with reference either to its means or to its object, or with reference to both. It was not so put in the original libels. I need not point out that putting the case in that way has opened wide the doors of evidence in a way that in no other form could be done, because, to begin with, it enabled the prosecutors, without starting with the proof of the conspiracy and the

making out of its illegality, to prove a number of facts, promising to show the relevancy of these facts and asking your Lordships to draw, as in conspiracy cases I admit juries have been asked to draw, from the whole of the story the fact of the conspiracy as the result.

What does this doctrine of conspiracy mean ? If the illegal combination or conspiracy is to be the Land League, or, in its later stage, the National League, of course it means that a man in a remote part of Kerry or of Cork, who was a member of the Land League, was responsible for what Mr. Parnell did, who was a member of the Land League, although he had never seen Mr. Parnell, and knew nothing about what he had said or what he had done ; and equally the converse : that Mr. Parnell would be responsible for what a man, in a remote part of the country, whom he had never seen and whom he had never spoken to, and over whom he had no control, had done. I say to begin with (and to this I shall have at a later stage to recur), that is not the case made in the original libels. That is not the case which your Lordships were asked to try. But I am dwelling upon the grievous hardships which it has inflicted upon the accused. I could give many illustrations. I will give one. Under this view of conspiracy (and I pray your Lordships to understand I am not complaining of any ruling of your Lordships ; I am pointing to what I conceive to be the grievous consequences and injustice from the course that has been taken by the prosecution) the man Le Caron has been allowed to state what Egan told him, what Brennan told Egan, what Sexton had done and said to Brennan. Let me repeat it. Le Caron has been allowed to state that Mr. Egan told him, Le Caron, that Mr. Brennan had told him, Mr. Egan, that Mr. Sexton (now the Lord Mayor of Dublin)

Not the  
true Case.

had aided Brennan in his flight from justice. So that fourth hand the statement has been sown broadcast, and Mr. Sexton, holding a responsible public position and a member of Parliament, on this statement, fourth hand of Le Caron, on this doctrine of the law of conspiracy, is supposed to be affected by such hearsay testimony as that.

Its un-methodical Present-  
ment.

Lastly, I complain that no attempt has been made—certainly no successful attempt has been made—to present this case to your Lordships with any method. There has been thrown down before your Lordships a heterogeneous, confused mass of evidence, a tangled skein, without any assistance to your Lordships in unravelling it, with no order of time, no order of subject, no order of place, no order of person, and it has been left to me and my learned friends to endeavour, as we shall do, out of this mass of evidence—in large part irrelevant, as we submit; in large part, where relevant, unreliable; in small part new—to extract the real issues which we submit this Commission has to try. I say nothing of the intolerable burden of anxiety, of expense, which this Commission casts upon these accused; but in leaving this part of the case I will say that, apart from the letters, so far as evidence of direct complicity with crime is concerned, either as *à priori* being a party to or authorising it, or by being a party to its condonation and to its protection, there is no evidence, if I were to sit down this moment, upon which, as I submit to your Lordships, if you were sitting in a criminal court, could even allow the case to go to a jury.

Opport-  
tunity of  
Vindica-  
tion.

But I rejoice that the time and the occasion have at last come when the accused can be heard broadly in vindication, and justification, and explanation of their conduct and of their policy. It will be necessary that I should trouble your Lordships at, I am afraid, consider-

able length. Your Lordships will expect from me no apology for doing so. It will be necessary to trouble your Lordships with a political retrospect; it will be necessary to trouble your Lordships with the social history of Ireland. I shall ask from your Lordships only at this stage of the case an attentive hearing. That I am sure I shall have. I would, of course, be glad if I could count upon a sympathetic hearing.

Now, what is the outline of the case presented by the Attorney-General? I have spoken in general language of the charge or charges. How has it been presented in the Attorney-General's opening? I have said it has been an undigested and unmethodical mass of evidence, and nothing more, so far as evidence goes; and I am sure I shall not be misunderstood when I say (I feel bound to say it) that the Attorney-General has not made even the attempt, in his opening, to afford your Lordships, by any statesmanlike introduction of his case, any clue to the position of things in Ireland, without which clue that position must be misunderstood.

My Lords, the causes of the difficulties in Ireland in 1879 are deep down in the history of Ireland; and do not let it be said, if I trouble your Lordships, not at great length, with a retrospective history, that I am only raking up musty ancient records. In order to understand the feelings, motives, and springs of action of nations and of individual men, and the leading citizens in a nation, you cannot avoid looking back to the earlier history of the country. As well might one attempt to understand the genius of the English people and of English institutions without reference to the Revolution and the Bill of Rights and the Reform Bill and Free Trade; as well might one endeavour to understand the position of Frenchmen and the views of the French people without

Root of  
Irish Diffi-  
culty.

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reference to its great revolution and the history of its earlier and its later Empire, as to endeavour to understand the position of the Irish question without reference to its earlier history and the economical and the social causes which have brought about the condition of things in Ireland, which has been the fruitful cause of disturbance and of crime. In any case this would have been a task which I should have desired to undertake.

False  
Historical  
Picture.

From the mode in which the case has been presented by the Attorney-General, even if I were minded to avoid it, I could not avoid it. The Attorney-General has thrown down the challenge, I must take it up. What was his opening? So far as his view is concerned, Ireland might as well have been dropped from the firmament starting on a new career in the year 1879; so far as his opening is concerned, Ireland was a modern Arcadia, a kind of Garden of Eden, before the intrusion of the serpent, a country in which happy patriarchal relations existed between the Irish tenant class and the landlords, the landlords looking down with parental regard upon the interests and the condition of their tenants, the tenants looking up with eyes of reverential gratitude to their friends and protectors the landlords! The Attorney-General said that there had sprung up in Ireland from and after 1879, to the disgrace of the country and the character of its people, crimes unknown before. Previously crime had not followed evictions; no such thing as land-grabbing was heard of; no such thing as denunciation of land-grabbing; no such thing as interference with the payment by external pressure of unjust rents; no objection taken to the man who tenanted an evicted farm; no evil consequences followed to him. There were indeed, said the Attorney-General, occasional murders of landlords, but the character of

recent crime in Ireland from 1879 had been, not the murders of landlords, but the hopeless grinding tyranny of helpless tenants. That picture is utterly, absolutely, historically false !

The very same things that happened from 1879 to 1883 have happened in former times in Ireland, as I shall show you, but in a much greater degree (God be thanked for the improvement). I shall show you that from the same causes the same results in greater volume have flowed, and if this be established, if I shall prove that by facts and figures, then I shall go far to establish that the Land League was not the *fons et origo mali* of the troubles of 1879, that the crimes of 1879 and of subsequent years sprang, as previous history and experience had shown, from the same causes—causes which received peculiar force and operated with peculiar effect in recurrent periods of distress.

And, lastly, I shall show your Lordships in this connection that in the year 1879, the third of a bad series of years (for 1877 was bad, 1878 was bad, 1879 was bad), there were in the public mind of Ireland hideous recollections conjured up again, and apprehensions of a recurrence of the state of things which had decimated the population of Ireland in 1846 and in 1847. Famines again and again recurring—not the famines of Egypt of old, or of India of later days, not famines where the hand of Nature had withheld its gifts in sufficient abundance for the support of the people, for in the worst of these years Ireland had produced and had exported, to pay unjust rents, tenfold sufficient to have supported the population and kept it alive.

Distressed State in 1879.

My Lords, the Attorney-General went further. He said that the Land League was a pretext and a cover for a political movement. That the aim was not the

relief of distress—not to keep famine from the peasant's door, not to preserve him in the enjoyment of his little home and holding—but that the object was to strike at Irish landlordism as representing the English garrison in Ireland, with a view to secure the ultimate independence of Ireland, and the construction of an Irish Republic in that island. In making that statement the Attorney-General, your Lordships will recollect, was but following one of the heads of the particulars, if such they can be called, which have been delivered under your Lordships' order. He says the motives for this movement were partly personal—personal ambition. He did not say personal aggrandisement—personal ambition, but that the efforts of the Irish party were not in any real earnest sense addressed to any real social grievance. My Lords, I have said that the earlier portion of his statement was historically, literally false. It would be, perhaps, too much to expect the Attorney-General, although he is a member of a Parliament which legislates for Ireland, to know much of Irish history. But his colleagues, my learned friend Mr. Murphy, and my learned friends Mr. Atkinson and Mr. Ronan, whom we of the English bar are all pleased and glad to see here, I think might have supplemented the Attorney-General's want of information on this point.

Historical  
Sketch.

I shall have to show your Lordships in my discussion of this question, not merely how false this picture is historically, but how completely the parallel can be drawn between the former existence, not at one but at several periods of time, of recurrent distress, recurrent oppression, and recurrent crime; but I shall also find it necessary, in order that your Lordships may appreciate the political part of the charge which the Attorney-General made, and which is imputed in the particulars

to which I referred, to trouble your Lordships with a short sketch of the political movements of the country.

In dealing with this I again repeat in no sense shall it be a party political treatment. I shall have to speak of movements perfectly constitutional, and of movements unconstitutional and against the law. I can only ask your Lordships in considering and in following me in this statement, to try at least, in regard to that statement, to bear in mind that those unconstitutional movements always aimed, always professed to be aimed, at the assertion of the right of the Irish people to have a potent voice in their own government, a potent voice in the making of the law which they were called upon to obey and to reverence. I will only ask your Lordships, if you can, to extend to me and to my story the same broad consideration which the British-speaking public have commonly extended—while not often approving, it may be, of the methods pursued, nevertheless always extended, at least in the case of other countries—of Poland, of Hungary, of Lombardy, of the Slav provinces—to popular movement, often irregularly conducted, and by means which could not carry moral approbation in some circumstances. They looked upon it at all events with sympathy, because of the motive, the national, the patriotic motives, which underlaid their efforts; and in speaking of Irish movements I would remind your Lordships that these men at any of the revolutionary periods, after all showed their sincerity in this, that they carried their lives and their liberties in their hands; and that if you disapprove of their aims or disapprove of their means, and condemn their wisdom, at least it cannot be imputed to them, or as far as I know, to any of them, that they had personal aims or personal aggrandisement.

## II

## POLITICAL RETROSPECT

Grattan's  
Parlia-  
ment.

I now come to a short sketch, a political retrospect, with which I must trouble your Lordships. Whatever difference of opinion may exist in reference to the Parliament of Ireland of 1782, one must at least admit that it was one which had its existence under conditions of great difficulty. It did not in any real sense represent the Irish people. It cannot be new, I think, to any of your Lordships to state that not only was no Catholic eligible for membership in that Parliament, but that no Catholic even possessed the right of franchise to vote for a member of that Parliament. And therefore, when the Imperial Parliament at Westminster gave its adhesion to that scheme by the celebrated resolution that the right of that Irish Parliament should never thereafter be questioned or questionable, it gave its adhesion to an experiment which I admit was tried under difficult conditions. But, my Lords, it was an *Irish* Parliament, it was subject to a force greater than law—of local public opinion in Ireland—and narrow as was the basis upon which it rested, little representative as it was, it, in its short career, gave promise of bringing itself in accord with the general wants and wishes of the whole of the Irish people. My Lords, it was in that very year, 1782, that, for the first time since the introduction of the

penal laws, an Irish Catholic could hold the freehold of an inch of Irish land ; and it was a few years later, in 1793, that that Parliament and the ascendancy party—for it was the Parliament of the ascendancy party—first opened the doors of the constitution to the Irish Catholic voter.

It was a germ capable of infinite development for good, mainly because it was an institution breathing the breath of popular opinion in Ireland, subject to being influenced by that breath, capable of development in the direction of the aspirations of its people.

My Lords, I pass by the hapless story of the Rebellion of 1798, fomented, as I think most historians now admit it to have been fomented, by external causes and agencies. I pass by the Act of Union described by one of the most distinguished historians of our time, and one not in political sympathy with those I here represent—I mean Mr. Lecky—as an Act which by uniting the Legislatures divided the peoples.

I could dwell upon this, for herein, in my humble submission to your Lordships, is the root of the Irish difficulty, that from the moment that Act passed, the governing class in Ireland—mainly the landlord class, mainly the ascendancy class, mainly the class separated by religion and often by race from the bulk of the people, ceased to be thereafter under the influence, the control, the impulse of the opinion of the people amongst whom they lived, and from whom they derived the means of supporting their stations of dignity and of affluence. In a word, they ceased to be patriotic.

My Lords, from that date they ceased to care for or to regard Irish opinion. They looked to England in times of trouble and of difficulty. They cried, as from

the housetops, that they alone were the class to be depended upon, that they alone were loyal, that they alone were true to the British connection, that they alone were to be depended upon to hold and support this connection. And, my Lords, the result of that is shown in the history of the dealings of that class with their tenants, which is the main cause which has led to the state of things which your Lordships are inquiring into here to-day.

The idea that I would impress in this connection upon your Lordships' minds was well expressed the other day by a distinguished living statesman when, in view of one of those too often recurring scenes of wholesale evictions in Ireland, that statesman in his place in the House of Commons addressed to the Irish landlords the appeal that they would exercise their rights *so as not to offend the conscience of the English people!* Not an appeal to them to regard their own people, not an appeal to them to bring themselves into harmony and consonance with those by whom they lived, but so to exercise their rights as not to offend the conscience of the English people! My Lords, that was the significant language of Lord Hartington.

Movements  
for Emanci-  
pation and  
Repeal.

I pass by the attempt, the unsuccessful attempt, at revolution in the time of Robert Emmett, who on the scaffold, young in life, paid the penalty of his political crime. I pass by the story of the long contest for Catholic emancipation, promised in 1800, and only granted in 1829, when the Duke of Wellington said that the alternative was civil war. I pass by the Tithe War, for I must come to that in the history of the crime of Ireland. I pass by the Repeal Movement and the Young Ireland movement with one passing comment.

The Young Ireland movement in 1848, in its later development, was unquestionably an unconstitutional movement—a physical force movement, in the English mind principally associated with that aspect of the case; but, my Lords, that is not the true import of the story of the Young Ireland movement of 1848. That physical force part of it was but an insignificant and unimportant part. That movement was the precursor, in its earlier stage, of the later and stronger and more successful movement with which the name of Mr. Parnell is associated as its leader, carried on by him under happier conditions, with an awakened public intelligence, with a broader franchise, and with therefore a broader platform of action. To that Young Ireland movement, in connection with which are such honoured names as O'Brien and Thomas Davis, and John Mitchel—with all his faults as to methods and as to means—Charles Gavan Duffy, John Martin, John B. Dillon, and many others whom I could name: to that party the merit is to be attributed that they sowed the seeds then amongst the Irish people of self-reliance and unsectarianism, for sectarianism had too often blotted and corrupted Irish movements. Insisting, as they did, upon the right of self-government, they worked might and main for the removal of what they considered social grievances—for land reform, church disestablishment, and for education. The reward at this time was prosecution, exile, broken hearts, for some of them. Of those who survive, one may point to Sir Charles Duffy, who, despairing of any success in his own land, went abroad to Australia, and, in the free air of a self-governing colony, rises to the highest position that that colony could afford him as Speaker, as Prime Minister, and comes back in his advanced years here, the man four times prosecuted in

Young  
Ireland,  
1848.

Ireland, to receive titles and dignities at the hands of the Sovereign.

Its  
Literature.

My Lords, there are other names not so directly associated with the political movement in Ireland at that time, but honourably associated with the creation of a body of literature little known, I fear, to your Lordships, and little known in this country, but a body of literature which, considering the circumstances under which it came into existence, and the comparatively brief period over which it extended, is creditable to the genius of the nation and to the efforts of the men who produced it. And notable amongst those names are the names of Thomas Davis, of Mr. Justice O'Hagan, the president of the Land Court in Ireland, of Sir Charles Duffy, of John Kells Ingram, of Trinity College, Dublin, and a number of others whose names I will not stop to recite.

My Lords, after this movement of 1848 there came a relapse, and I would ask your Lordships to note—for it has significance and importance in the consideration of this question, even the very question before your Lordships—how the waves of constitutional and unconstitutional agitation succeeded one another, and how, after the country made an effort in a constitutional direction and failed, it seemed to fall back into the slough of despond, and then secret societies and illegal combinations burrowed the country, working their evil work.

Independent  
Opposition—  
Land  
League,  
1850-52.

In 1852 the country pulled itself together again. They had in Ireland a strangely restricted franchise. They have to this day, compared with England and Scotland, a strangely restricted municipal franchise. I am now only referring to the Parliamentary franchise. So remarkable is the contrast that, given two towns of equal population, the one in Ireland and the other in

England, the English town would have twice, sometimes three times as many voters as the town of corresponding population in Ireland. There was in these days also no right, except the right of open voting. These were the times when, as record after record shows, the voters were driven to the poll as sheep into a pen by the landlord, the agent, and the bailiff. But still, in face of great difficulty and by great sacrifice, a party was returned to the House of Commons at Westminster, pledged to independent opposition, pledged to land reform, pledged to take no office under, but to hold aloof from, every Government that did not make that a cabinet question.

The prime figures of that movement were again Sir Charles Duffy and a noble-hearted Englishman of great head and of great magnanimity of character, Frederick Lucas, who went to Ireland not as a politician but as editor of a Catholic newspaper, whose great and magnanimous soul and sympathies were touched by the oppression which he saw around him, and who threw himself earnestly into the effort to try and relieve the people among whom he had chosen to live, from some portion at least of the evils that weighed upon them.

My Lords, they started a tenant league in the North and the South. The principal representatives of the South were Lucas and Duffy; in the North, Dr. M'Knight, a Presbyterian journalist, and the Rev. John Rogers, then or afterwards Moderator of the General Assembly in the North. The story of that party of independent opposition is a shameful story, and I pass it over—a story of violated oaths, of broken pledges, and of another relapse of the Irish people into the slough of despond. They had with effort and sacrifice sought to create and maintain this party—a great majority of

the party were honest, but they had failed in obtaining redress ; they had tried, implored the British Parliament to deal with this land question and had failed ; and then years passed over during which the Parliamentary representation of Ireland was of a character that I will not describe further than by saying that it was self-seeking and discreditable.

Fenian Movement.

Meanwhile events had been happening abroad—across the Atlantic—which have an important bearing on one part of this case. The stream of emigration had been going on to America. A new generation had sprung up there. The American war of North and South had taken place. In the armies, of the North principally, many Irishmen had served, and amongst those men arose, my Lords, and from those men mainly came, the impulse of this Fenian movement which began to raise its head very soon after the cessation of the American war, and which became undoubtedly an important factor in the secret movement in relation to Ireland. I have pointed out the constitutional efforts made in 1852, and for years subsequently. Now we have the unconstitutional, the illegal, the secret movement. My Lords, I wish to be quite plain with your Lordships in my treatment of this, as of every other Irish movement. I think that a politician of our day, and a member of the present Government, was most unfairly treated when he expressed his views, as far back as 1868, about the true character of the Fenian movement. I mean Mr. Henry Mathews. He, with great courage as I then thought and think now, at a time when there was a great tide of popular prejudice against, and as he thought misrepresentation of, the Fenians, said some words, at least in palliation, if not in justification of their conduct and position. My Lords, it is true to say of

the Fenian organisation as it then existed that it was not a party of assassination, but that it was a revolutionary party that looked to physical force for the redress of Irish grievances. What some sections of it, or some organisations springing from it, may in later days have developed into, when its responsible heads have been drawn away into the constitutional agitation, I know not, and will not for the moment inquire. But it was not true historically, it was a calumny, to allege that the Fenian body was anything but a physical force movement; and, my Lords, it is right further to say, that so far as agrarian crime was concerned, the lowest point that agrarian crime ever reached in Ireland was the time when the Fenian movement was at its height. The truth is that in every movement which took place in Ireland, constitutional or unconstitutional, anything which afforded the hope of redress can be shown historically to have always led to a diminution and not an increase of crime.

My Lords, then come the Disestablishment Act of 1869, the Land Act of 1870, the inauguration of Mr. Butt's Home Rule policy between 1870 and 1874, and finally, after Mr. Butt's death, the coming to the front of Mr. Parnell, somewhere between the years 1876 and 1879, as the undoubted leader of the Irish Parliamentary party.

One or two things are noticeable in the short account that I have given. First, that succession of waves of agitation to which I have already alluded — how when the failure of constitutional methods has become plain, the people have resorted to or a large section of them have resorted to, unconstitutional and secret methods; and one other feature is also noticeable — a sad comment upon the government of Ireland —

Remedial  
Measures  
and  
Agitation.

that there were during that period four main remedial measures—Catholic Emancipation, the Tithe Act, Dis-establishing Act, and the Land Act of 1870—and each one of them either follows upon unconstitutional movements or is prompted by the dread of a physical force movement.

I have now to consider the history of what has taken place since the advent to leadership of Mr. Parnell, and what I will say is this, and state it only in a sentence, that he has tried to act upon the advice which a distinguished Irish judge, Chief Baron Woulfe, once gave, “to create and foster public opinion in Ireland and make it racy of the soil.” He has sought to create, and has succeeded in creating and sustaining a party which, whatever criticisms may be made upon it, has, as he desired it should, held itself independent of all political parties, and has not shown itself, whatever other faults or adverse criticism may be addressed or applied to it—has not shown itself capable of being tempted by personal gain or personal advantage from the strict, the straight discharge, as they believed, of their duty as Irish representatives.

Mr.  
Parnell's  
Work.

My Lords, by that course Mr. Parnell has forced public attention upon the Irish question. He has awakened the conscience of England upon the Irish question ; he has, in season and out of season, persistently—unreasonably it may be in the minds of many—urged the cause of Ireland, and he has a right to claim and he does claim that in ten years he and his party have helped to accomplish more of solid gain and of solid remedial advance in legislative measures for Ireland than were accomplished in any previous hundred years. When I speak of solid gain to Ireland I

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do not mean—do not let me be misunderstood—I am not speaking of gain to Ireland as meaning ill to England; my position is and my proposition is that everything which goes to allay discontent in Ireland, which gives to the people a hold in their own land, which goes to win them to the side of law and of order—all these make for the good of England as well as for the good of Ireland, and for the good of the Empire, to the building up of which Ireland has, at least according to her means and her opportunities, by the arms and genius of her children, contributed her full share.

### III.

#### PREDISPOSING CAUSES OF CRIME

Historic Testimony. Now, my Lords, in the next place, I have to introduce to your Lordships a statement, historically considered, not of political movements, but what I may call for clearness and for convenience a statement of the predisposing causes to Irish crime, and as far as I shall make historical reference, I shall cite only historical authorities that are not supposed to be in political accord with those for whom I am speaking. It would perhaps be an impertinence if I were to suggest that a great deal of what your Lordships will be troubled with by me may be found in Mr. Lecky's second volume of the *Eighteenth Century*, in Mr. Froude's *English in Ireland*, and in Mr. Goldwin Smith's *Irish History and Irish Character*. But, my Lords, the four grounds, the predisposing causes are these: the restrictions of Irish commerce and suppression of Irish manufactures; the penal code, which, while commercial legislation had on the one hand thrown the people upon the land as their only means of livelihood, on the other hand, came in to prevent the bulk of the people acquiring any permanent interest in the land; the third cause, the uncontrolled power of the landlords in the exaction of oppressive rents; and the fourth cause, the general misgovernment of the country, and the consequent distrust of the

Government which was generated thereby in the Irish mind.

My Lords, I am literally within the bounds of truth when I say that all historians, English, Irish, and foreign, concur in this opinion, that until a period within living memory the story of Irish government was one of the blackest pages in the whole history of the world ; that until a period within living memory the government of the country was directed, not to the good of the many, but to the maintenance of a privileged few, and proceeded, until a period within living memory, upon what has been called by one distinguished writer “the detestable principle that to keep Ireland weak was the most convenient way of governing.”

My Lords, I can pass over these subjects lightly, but I must touch upon each of them. To begin with, Ireland was excluded from the benefit of the Navigation Laws ; she was shut out not only from colonial trading, she was actually shut out even from exports to the sister kingdom of Great Britain. Cattle could not be so exported. The result was the cultivation on a large scale of sheep farms ; from that grew rapidly, generally, and to important dimensions, a woollen trade in Ireland, and when that had grown to a point at which it seemed to threaten English trade, English traders came to the Crown to put it down, and it was put down by the imposition of enormous duties. The linen trade was not in rivalry with any corresponding English trade, and promises were held out—promises which were not fulfilled—that advantage was to be given to that trade as compensation for injury to the other. The result was that the only possible means, in the existing economic and political condition of things, of relieving the enormous pressure of desire for the possession of land was

closed, for the manufactures and the export trade of Ireland were crippled and destroyed. And Mr. Leeky, my Lords, says, in his second volume, at page 208 :—

“ The natural course of Irish commerce was utterly checked, and her shipping interest, such as it was, was annihilated.”

And Mr. Froude, in his first volume, at page 395, says :—

“ The real motive for the suppression of agricultural improvement was the same as that which led to the suppression of manufactures—the detestable opinion that to govern Ireland conveniently, Ireland must be kept weak. The advisers of the Crown, with an infatuation which now appears like insanity, determined to keep closed the one remaining avenue by which Ireland could have recovered a gleam of prosperity.”

My Lords, a distinguished man of remarkably calm and judicial mind, I mean Lord Dufferin, has in his *Irish Emigration and the Tenure of Land in Ireland*, at page 129, used this extraordinary language :—

“ From Queen Elizabeth’s reign until within a few years all the known and authorised commercial confraternities of Great Britain never for a moment relaxed their relentless grip on the trades of Ireland. One by one each of our nascent industries was either strangled in its birth or handed over gagged and bound to the jealous custody of the rival interest in England, until at last every fountain of wealth was hermetically sealed, and even the traditions of commercial enterprise have perished through desuetude.”

Then he goes through the Acts, and proceeds in the sense which I have already explained to your Lordships to show that the effect of this had been to intensify and create the difficulty on the Land Question, and that state of things with which your Lordships are already too well familiar.

“ The owners of England’s pastures opened the campaign. As early as the commencement of the sixteenth century the beeves of Roscommon, Tipperary, and Queen’s County undersold the produce of the English grass counties in their own market. By an Act of the 20th of Elizabeth, Irish cattle were declared a ‘nuisance,’ and

their importation was prohibited. Forbidden to send our beasts alive across the Channel, we killed them at home, and began to supply the sister country with cured provisions. A second Act of Parliament imposed prohibitory duties on salted meats. The hides of the animals still remained, but the same influence soon put a stop to the importation of leather. Our cattle trade abolished, we tried sheep farming. The sheep breeders of England immediately took alarm, and Irish wool was declared contraband by a Parliament of Charles II. Headed in this direction we tried to work up the raw material at home, but this created the greatest outcry of all. Every maker of fustian, flannel, and broadcloth in the country rose up in arms, and by an Act of William III. the woollen industry of Ireland was extinguished, and 20,000 manufacturers left the island. The easiness of the Irish labour market and the cheapness of provisions still giving us an advantage, even though we had to import our materials, we next made a dash at the silk business ; but the silk manufacturer proved as pitiless as the woolstaplers. The cotton manufacturer, the sugar refiner, the soap and candle maker (who especially dreaded the abundance of our kelp), and any other trade or interest that thought it worth its while to petition, was received by Parliament with the same partial cordiality, until the most searching scrutiny failed to detect a single vent through which it was possible for the hated industry of Ireland to respire. But, although excluded from the markets of Britain, a hundred harbours gave her access to the universal sea. Alas ! a rival commerce on her own element was still less welcome to England, and as early as the reign of Charles II. the Levant, the ports of Europe, and the oceans beyond the Cape were forbidden to the flag of Ireland. The Colonial trade alone was in any manner open—if that could be called an open trade which for a long time precluded all exports whatever, and excluded from direct importation to Ireland such important articles as sugar, cotton, and tobacco. What has been the consequence of such a system, pursued with relentless pertinacity for 250 years ? This : that, debarred from every other trade and industry, the entire nation flung itself back upon '*the land*,' with as fatal an impulse as when a river whose current is suddenly impeded rolls back and drowns the valley it once fertilised."

So much for the commercial and industrial aspect of the misgovernment of Ireland.

My Lords, the penal code not merely deprived the great bulk of the population of the elective franchise, but it excluded them from corporations, the magistracy, the bar. They could not become sheriffs, solicitors, even gamekeepers or constables. They could not buy or inherit land. They could only, and that was a relaxation, have a terminable leasehold interest in land, and even that could not be within a certain distance of a town, and if the profits derived by reason of that terminable lease exceeded a third of the rent they became disentitled to reap the further profit. Bribes were held out to the Protestant informer against his Catholic kinsman, to the Protestant wife against her Catholic husband, to the Protestant child against his Catholic father. The simplest rites of the religion of the multitude were proscribed; and, my Lords, the exclusion from partnership in the corporations and the trade guilds had a still further injurious effect in the same direction, because, inasmuch as the corporations were exclusively in the hands of Protestants, inasmuch as the trade guilds were exclusively in the hands of the Protestants, even the common handicrafts were not acquired, could not be acquired to any considerable extent, by the great bulk of the Catholics of Ireland.

My Lords, that reformation which threw open these corporations to some extent was not accomplished until the year 1841; and O'Connell, I think I am right in saying, was the first Catholic Lord Mayor of the city of Dublin. But, my Lords, the so-called reformation of the corporations again worked serious mischief, because, in place of preserving the existing corporations, reforming and throwing them open to the whole people, and thus giving them at least some kind of local self-government, the corporations which existed

numbering, I think, altogether—I do not pledge myself to the exact figure—sixty-five, were in great part abolished, and I think only either ten or eleven of them left with local municipal government at all. My Lords, I will avoid again going into the detail which is not necessary, but I must trouble your Lordships with one passage which summarises and sums up the evils of this system and points out its lasting effects upon future generations. It may be said that this is some years ago, that I am speaking of ancient history. It is true that it is some years ago, but, my Lords, fifty or one hundred years is, in the life of a nation, less than a day or a week in the life of mortal man. If there has been by evil government in the past a crippling of the effect of that progressive principle which is in all human society, if there has been a crippling of that natural effort, its evil effects do not pass away immediately the restrictive force has been removed.

Mr. Froude, in summing up this question in his first volume at page 301, says of this system :—

“ It was intended to degrade and impoverish, to destroy in its victims the spring and buoyancy of enterprise, to dig a deep chasm between Catholics and Protestants. These ends it fully attained. It formed the social condition ; it regulated the disposition of property ; it exercised a most enduring and pernicious influence upon the character of the people, and some of the worst features of the latter may be traced to its influence. It may indeed be possible to find in the Statute-books both of Protestant and Catholic countries laws corresponding to most parts of the Irish penal code, and in some respects introducing its most atrocious provisions, but it is not the less true that that code taken as a whole has a character entirely distinct. It was directed not against the few, but against the many. It was not the persecution of a sect, but the degradation of a nation. It was the instrument employed by a conquering race supported by a neighbouring power to crush to the dust the people among whom they were planted, and indeed when

we remember that the greater part of it was in force for nearly a century, that the victims of its cruelties formed at least three-fourths of the nation, that this degrading and dividing influence extended to every field of social, political, professional, intellectual, and even domestic life, and that it was enacted without the provocation of any rebellion, and in defiance of a statute which distinctly guaranteed the Irish people from any further persecution on account of their religion, it may justly be regarded as one of the blackest pages in the history of persecution. In the words of Burke :—

“ ‘It was a complete system, full of cohesion and consistency, well digested and well fitted in all its parts—it was a machine of wise and elaborate contrivance, and as well fitted for the oppression, impoverishment, and degradation of the people, and the debasement in them of human nature itself, as ever proceeded from the perverted ingenuity of man.’ ‘The judgment formed of it,’ says Mr. Froude, ‘by one of the noblest representatives of English Toryism was very similar.’ ‘The Irish,’ said Dr. Johnson, ‘are in a most unnatural state, for we see the minority prevailing over the majority. There is no instance even in the ten persecutions of such severity as that which the Protestants of Ireland have exercised against the Catholics in Ireland.’ ”

Power of  
the  
Landlords.

My Lords, I have mentioned as the third predisposing cause to Irish crime the uncontrolled landlord power. This is a subject which I must develop at greater length later. For the present purpose, I say that that system gave practically the power of life and death over the tenants of Ireland ; that the only measure of the protection of the tenant was the sense of justice, but too often no protection, of the landlord ; that the greed for land led to the promise to pay impossible rents ; that those rents were extracted from the people so far as they could be extracted, until they were reduced to the condition in which Lord Palmerston described the Irish people as being upon the whole the worst clad, the worst housed, the worst fed people upon the face of God’s earth. My Lords, Mr. Froude has given in a sentence

at once a description and a condemnation of the Irish land system. He said : "Russia is spoken of as a political despotism, tempered by assassination ; so may the Irish land system be described as a social despotism, tempered by assassination."

If any of the persons here accused had made a speech in that sense, clearly it would have been one of the most formidable items in the indictment now preferred against them ! My Lords, this state of things could not have endured—a state of things in which the interests of the many were overlooked for the benefit of the few—if there had been in Ireland that force of public opinion greater than the law, stronger than the law ; greater than the law, for it makes the law in a healthy, freely governed community—stronger than the law, for it controls the exercise of the rights which the law gives—rights which could not have existed if it had not been that the political condition of Ireland had given to the Irish landlords, the men who have gathered into their hands the dignities and honours and power of the country—given to them no motive to conciliate Irish local opinion, for they had long ceased in any real sense to be Irishmen, and had become merely Irish rent-receivers. I am not speaking—I wish it to be understood—of all of them, I am speaking of the broad features of their history, and I am speaking of them as a class.

My Lords, the results of this system were many. It was not merely social degradation, it was even also moral degradation, and the direction of that uncontrolled power has been manifested in some remarkable ways. At times when the interests, the passing interests of the landlords seemed to induce them to regard the living population on the land simply as vermin to be

rooted out, it led, in times of distress and difficulty, to those wholesale clearances which have led in turn to an anomaly, than which there is none more remarkable in the economic history of any country—I mean the fact that you could go through Ireland to-day, in Roscommon, in Meath, in Mayo, in many other counties, where there is fertile land capable of producing great wealth, and yet you may come across the ruins of a home, the traces of a hamlet, but no human habitation or living being for miles, and a little farther on the sterile bleak hillside, as any one can see in Donegal to-day, a crowded, congested miserable population. What does that mean? It means that those wretched creatures, having nowhere to turn and nothing to look to but the attempt to earn an existence from the land, and driven from the wealth-sustaining portions of the country where the population might be doubled or trebled without disadvantage, are driven to huddle together on the barren bosom of those hills to earn such a livelihood as might scantily support life.

Misgovern-  
ment.

My Lords, the fourth and last of the reasons or causes which I suggest as predisposing to Irish crime is of course the misgovernment of the country, and the consequent mistrust with which that Government was regarded. I have already indicated the general grounds for that distrust. I am anxious to avoid repeating myself. They are, that the Government was directed, not by a regard and fair consideration of the interests of the many, but with the view to the interests of the few. The result was to show to the Irish people, or the great bulk of them, the repressive not the beneficent and protective side of government. The result further was to reverse the natural order of the relation of governors to the governed. I take leave to say, I presume in these days no one would doubt, that kingships,

republics, all manners of government known to the world and its political history, have been invented, not for the benefit of kings or the leaders of republics, but for the benefit of the people governed ; I say further, that in the true and broad and just conception of the relations of governors and governed, the governors are responsible to the people whom they govern. I say that in Ireland all that has been forgotten and has been reversed ; that in the administration of the law, in the executive processes of the law, in the whole spirit of the law itself, it has been in its main and broad lines carried out in a way not to remove but to intensify and increase the spirit of aversion to law and government which undoubtedly a great portion of the Irish people feel.

My Lords, Mr. Goldwin Smith, in his *Irish History and Irish Character*, says, at page 139, that the Irish government during the eighteenth century is, in fact, one of the foulest pages in history, and goes on to say that the mass of the people were socially and economically in a state the most deplorable perhaps which history records as having ever existed in any civilised nation.

My Lords, if to those general considerations I add this—absenteeism, which means one of two things, and sometimes both—that the landlord either lets his estate to a middleman, in which case he drew from the middleman the rent which that middleman promised, and he left the tenant to the tender mercies of that middleman, or he left the management of his estate, with no intervening middleman, to an agent, he himself living abroad or in England, knowing nothing of the condition of his people, and performing none of those kindly offices which in this country are regarded ordinarily as necessary duties in the position of a landlord. If you add to this further the fact that up to the period of which I am

Absentee-  
ism.

talking, nay, I may say up to 1885, Ireland had a restricted franchise and consequent want of political power; if to that there is added the fact of the wide chasm which existed between classes,—the one class the few, the possessors of all the fixed property of the country, with no sympathy in point of religion, with little sympathy in point of race; and on the other hand, the great mass of the people, and recollect that there was little or nothing of kindly action or legislation to bridge this chasm over, I ask any candid-minded man, apart from the heat of politics, apart from questions of prejudice, what would he expect to follow from such a state of things? Would he expect a people well affected to the law, which brought them little comfort, and brought no sunshine into their lives—a law which to them showed mainly its aggressive side? No; you would expect what history shows has happened, an abiding distrust of the law—I am glad to think not so strong now as it once was, for there are mitigating circumstances—but you would expect to find a people, so exposed as these people were, when recurrent distress came, prone to resort for self-protection to combination, to extra-legal, to unconstitutional, aye, and even to criminal means, for their own protection, for the most profound observers upon the question of Irish crime and its causes (to some of whom I shall have to call your Lordships' attention in a few moments) have observed that the crime of Ireland differs from the crime of every known country in the world in this, namely, that it is to a large extent not the crime of an individual directly, and in hot blood revenging a crime committed by an individual, or an injury committed by an individual, but that it is a crime which, as Sir George Cornewall Lewis calls it, is of a protective kind, and com-

mitted, if not by, with the sympathy and in the interest of, a great part of the people.

From this state of things what would your Lordships expect? That secret societies would spring up; secret societies at once the effect of misgovernment, and themselves the cause of crime. And you have side by side with these considerations this set of extraordinary phenomena, the people universally described as of kindly nature, and yet, as the history—the shocking history—of this case has shown, sometimes guilty of the most barbarous cruelty; people of kindly nature, accessible to the influences of kindly words and of kindly acts; a people preserving absolute purity of domestic life under conditions in which it is difficult to understand how it is accomplished; a people who carry with them to the ends of the earth love of kith and kindred and of country, qualities which under a normal condition of things and in a healthy state of society are, after all, the best foundations for a stable government and for the existence of a contented people. But in Ireland this gift of love of country seems to become a misfortune for them; and stranger phenomenon still (strange I do not regard it, but regarded by many as a strange phenomenon this), that practically the crime of Ireland, or in a notable degree, is agrarian crime. What does this point to? Does it not point to this—thinking this matter over calmly and dispassionately, as reasoning men, if you find the people marked by many qualities of a noble kind, but disgraced by crime of one particular kind, is not the conclusion inevitable that the sources, the causes, of that class of crime are to be found in the condition of things with which that particular class of crime is associated, or in other words, with agrarian causes?

My Lords, I would like to utter, before I proceed to

the history of crime, one word of warning. I shall have to speak (and it is a painful story) of the history of crime, going a considerable way back. It is a sad story, but I hope I may warn your Lordships, without disrespect, against being led away into the notion that because there is this black record of crime in the past, therefore the Irish people are to be branded as a nation of criminals. Mr. Lecky, at page 378 of his second volume, speaking of how unjust an historian may be if he dwells too much on the history of a people's crimes, uses language which, even in connection with my speech, I hope your Lordships will not think inappropriate :—

“In writing the history of a people” (he says) “it is neither just nor reasonable to omit the record of its prevalent crimes. But it is one thing to relate these, it is quite another thing to select the criminals of a nation as the special representatives of its ideas. It is peculiarly necessary that the history of such a nation as the Irish should be written, if not with some generosity, at least with some candour ; that a serious effort should be made to present in their true proportions both the lights and the shades of the picture ; to trace effects to their causes, and to make due allowance for circumstances and for antecedents. When this is not done, or at least attempted, history may easily sink to the level of the worst type of party pamphlet.”

#### IV.

#### HISTORY OF AGRARIAN CRIME

I now come to a serious and, as I conceive it to be, <sup>History of</sup> an important part of this narration ; and that is the <sup>Agrarian</sup> <sup>Crime</sup> actual history of crime in Ireland, in order to show your Lordships, as I have already foreshadowed, that when there was no Land League which could be blamed, no popular leaders who could be branded as accomplices in crime, the same state of things which existed in 1879 existed in those former days, producing the same results, intensified, aggravated, recurring again and again with again and again recurring distress. It is, of course, obviously necessary that I should do this, because if I establish that and show in the condition of things in 1879 and subsequently adequate reasons, historically judged, for the crime, the milder crime, which then took place, I, of course, have gone a long way to relieve those who are here charged ; but it is here an imperative duty, in view of the mode in which the case has been conducted by the Attorney-General, who was instructed to assure your Lordships that the crimes which occurred in 1879 and in subsequent years were crimes unknown in the history of Ireland before the appearance of the Land League.

When your Lordships adjourned I was about to endeavour to establish by reference to the actual authentic history of crime in Ireland the two propositions

Recurrent  
Distress  
and  
Recurrent  
Crime.

which I had previously advanced. First, that with recurrent distress connected with given definite causes there was recurrent crime ; and secondly, that that recurrent crime was of the same kind—directed against the same persons, aimed at effecting the same results, but much greater in volume and intensity than that which your Lordships have on this occasion to inquire into.

Something has been said in the course of this case as to one of the most reprehensible of the crimes which has been proved before your Lordships. I mean the maiming of dumb beasts—a cowardly, detestable crime. I do not know how far back it goes, but there is certainly a concurrence of testimony on the point, that it took its rise from, and was the criminal expression of, disapproval of the system of clearances of tenants from arable land with a view to turn that land into pasture land. These houghing crimes in 1711 are mentioned by Mr. Lecky, amongst others, as having come into existence by reason of the wholesale clearances which then took place with the object of turning, as I have intimated, arable land into pasture land ; and in 1761, which is the beginning of the formidable rising known under the name of “Whiteboyism,” it is undoubted that the crimes and actions of the Whiteboys arose from cognate causes. Indeed, I might state to your Lordships the opinion of no less a person than a celebrated Lord Lieutenant of Ireland, namely, Lord Chesterfield, who, in the fifth volume of his letters, uses this extraordinary language dealing with the question of Whiteboyism. He ascribes the Whiteboy rising (these are his words) :—

“White-  
boys.”

“To the sentiment in every human breast that asserts man’s natural rights to liberty and good usage, and which will and ought to rebel when provoked to a certain degree.”

When your Lordships recollect the position which the writer held in Ireland in relation to the government of Ireland, I think it will be admitted that it must have been a very strong state of circumstances which would have driven him to make or justified him in making that remarkable pronouncement.

The history of those clearances was followed by the action of a section of the Whiteboys, known by the name of “Levellers,” because one of their operations was the “Levellers.” throwing down walls by which the landlords sought to enclose for the purpose of letting to fresh tenants or for pasture certain commonable lands which the tenants themselves had previously enjoyed; and there is a very curious account of the events of that period given in a book, which I do not myself possess, but which I have read, by an intelligent English traveller called Bush, in a volume which he has entitled *Hibernia Curiosa*. Your Lordships will find it referred to in Lecky. He gives an account of this matter in the fourth volume, beginning at page 319. He says:—

“As we have already seen, the commercial code had artificially limited industrial life, and the penal code, long after it had ceased to be operative as a system of religious persecution, exercised the most pernicious influence in deepening class division, rendering the ascendancy party practically absolute, driving enterprise and capital out of the country, and distorting in many ways its economical development. A great population existed in Ireland, and were habitually on the verge of famine, and when any economical change took place which converted a part of the country from arable land into pasture, and restricted the amount of labour, they found themselves absolutely without resources. The Whiteboy movement was first directed against the system of enclosing commons, which had lately been carried to a great extent. According to a contemporary and concurrent statement of Crawford the Protestant, and of Curry the Catholic historian of the time, the landlords had even been guilty not only of harshness, but of positive breach of contract, by

withdrawing from the tenants a right of commonage which had been given them as part of their bargain when they received their small tenancies, and without which it was impossible that they could pay the rents which were demanded."

My Lords, this movement spread over Limerick, Tipperary, Waterford, and Cork, and afterwards to Kilkenny and Queen's County, and there is a record—a shocking record—of crime, even (strange as it may seem to your Lordships) in more revolting forms and in greater intensity than anything that has been suggested or proved in this case. There were the levelling of enclosures, wholesale crowds of threatening letters, rescues of property seized for rent, grass lands ploughed up, threats against any who paid more than the specified amount of charge, no one allowed to bid for a vacant farm unless it was vacant for at least five years, the penalty being death or burning, the houghing of cattle to a large extent; and you have thus an exact reproduction of the state of things complained of in this case, and that, my Lords, at a time when there was no Land League, no constitutional agitation of any shape or kind on foot. This being the outcome of the action of this secret body, and of those who were in sympathy with that secret body, Sir George Cornewall Lewis, in perhaps the most important and most philosophic inquiry into the causes of Irish crime ever written, points to the parallel which existed in 1761, and the subsequent years, with the later period which he comes to consider, and which brings us down to the date of his publication in 1836.

Sir G. C.  
Lewis.

The subsequent history of this crime I shall trace to your Lordships in the history of the Parliamentary Inquiries and of Royal Commissions. Your Lordships probably know the name of Sir George Cornewall Lewis's

book. It is called *Causes of Irish Disturbance*, published in 1836. I shall have to refer to it later. Your Lordships will see how entirely uninstructed the Attorney-General was, how grievously misinstructed the Attorney-General was, when he put before your Lordships, as I have already intimated, the state of things in 1879 and subsequent years as a new and previously unknown state of things, disclosing a new and previously unknown state and class of crime. I shall presently call attention to figures to show how vastly in excess of those of the present years were the figures of crime at the time with which I am about to deal.

Take the case of land-grabbing. Amongst the things which was visited with the penalty of death and burning was the taking of an evicted farm, or land-grabbing. Well, I do not know how far the Attorney-General's historical researches have gone, but certainly in very early and primitive states of society land-grabbing was regarded as a crime by the community, and the reason is obvious. The reason is particularly obvious in the case of a country like Ireland. I am not at this moment doing anything except examining the matter, so to say, historically and philosophically. I am not stopping to consider whether justification, or palliation, or anything of that kind, can be suggested. I am examining the facts, but the reason is obvious why it should be regarded as a crime against the interests of the community, because of course if landlords, the moment a tenant was evicted from a farm, could immediately get another tenant to take it, I need not say it would be a great step towards making evictions easy, and therefore tenants would lose, by the removal of interposed difficulties in the way of actual

evictions, the protection which they greatly relied upon as lessening the evils to which they were exposed.

I do not want to trouble your Lordships with very remote historical precedents, but there is the very celebrated and early case of land-grabbing of *Ahab v. Naboth*, or *Naboth v. Ahab*. I confess, my Lords, that I always thought that was an exceedingly mild case of land-grabbing, because, according to authentic records, Ahab first of all offered Naboth full value for his vineyard, and offered him an alternative vineyard as well circumstanced in another place; and yet so strong was the reprehension at that period of the offence of land-grabbing that the apparently fair proposals of Ahab did not restrain Elijah the Tishbite from animadverting, and animadverting most strongly, upon his conduct. And through the whole history of the Irish question, and in every community where the same need for self-protection existed, you will find the reprehension and condemnation of the community for acts of this kind—acts considered by the community as detrimental to the interests of the community.

Lecky.

Mr. Lecky says, at page 340 of his fourth volume :—

“The truth is that the real causes of the Whiteboy outbreak are to be found upon the surface; extreme poverty, extreme ignorance, extreme lawlessness, made the people wholly indifferent to politics, but their condition was such that the slightest aggravation made it intolerable, and it had become so miserable that they were ready to resort to any violence in order to improve it.”

And he cites the Knight of Kerry, writing at this very period, the period which we are now considering. “The lower orders,” says the Knight of Kerry, “are in a state of distress beyond anything known in the memory of man.”

My Lords, that was in the southern counties. In

the north two years later a violent outbreak of the "Oakboys" occurred, which spread over and affected the counties of Armagh, Tyrone, Londonderry, and Fermanagh. And it arose from causes comparatively trivial, as it would seem. It arose from this cause, that the magistrates, in the exercise of their powers as a grand jury, to which some reference has been made in the course of this case, had been using those powers to their own direct and immediate advantage, and had caused the making of roads for the improvement of their own particular estates and domains, which were not for the general benefit, and the whole burthen and cost of which it was sought to throw on the occupying peasants. The people of the north rose against it. It was not so formidable a movement, it was not so ferocious a movement. Lord Charlemont, a man as well of distinction as of ability, points out the cause of the difference between the two movements in the north and south. He points out how as regards the north a number of circumstances, which I will not here dwell upon at length, had given to the people a much better position, a greater stake in the country than those in the south ; how there had been preserved to the tenants in the north in the shape of tenant right, a remnant of a much greater interest in the land, which undoubtedly it was the object of the great plantation settlement to give them ; how they had been free, or a great proportion of the community had been free, from the intolerable persecutions which had characterised the south ; and in explaining the difference between these movements he uses this expressive language : "The rebellion of slaves is always more bloody than an insurrection of free men." My Lords, that was in 1763, 1764, and 1765.

"Steel-  
boys."

In 1771 a much more important and a much more formidable movement rose in the north, that is the movement of the "Steelboys," who were the predecessors in title of the Orangemen of to-day. The causes again of their action are precisely the same; the chronicles of the period state them in almost identical language. Rents excessive, wholesale confiscation of improvements, the putting up of farms and of houses to the highest bidder, without regard to the rights or claims or interests of the ancient tenant, were the immediate causes of the outburst and the formation of that which became a formidable body, and which in its later history, I am sorry to say, became sectarian in its character, and not social as it originally was. So the effect of this was that there was crime much more serious than in the time of the Oakboys. They marched in a body to release men, who had been taken up for crimes committed, from the gaols of the town. The juries which tried these men for various crimes acquitted them wholesale. They moved the *venues* to Dublin, and the Dublin juries did the same. The immediate cause was that one great landed nobleman in that neighbourhood, namely, the Marquis of Donegal, had, upon a large scale, endeavoured to forfeit the interest which the tenants had in their homes. Mr. Lecky says in the same volume, at page 347:—"The improvements were confiscated, land was turned into pasture, and the whole population of a vast district were driven from their homes." My Lords, the consequences of these particular wholesale clearances were, unhappily, momentous. They caused a large proportion of the emigration of the sturdy Presbyterians of the north to America, and when the War of Independence came, as the chronicles of that day tell us, amongst the stoutest men in opposing the British

forces, and in asserting American independence, were these very expatriated Presbyterian farmers of the north and their children. From 1780 down to 1806 a number of political events, to which I have already referred, were occurring, and as I have, I think, at least once pointed out, in times of political movement, social oppression and social grievances seem for the time to recede into the background, and their existence at all events is not made apparent by the presence of remarkable crime.

There had occurred in the interval the establishment of Grattan's Parliament as it has been styled, the attempted rebellion of 1798, the inchoate rebellion of Emmett in 1803 ; but from 1806 to 1820 again we have the same thing repeated—in the west this time, as well as in the south and also in the midland counties, the Threshers in Connaught, the Whiteboys in the south and in the midland counties, and at that period there was a remarkable depression in the agricultural interests in Ireland, and severe pressure was felt. Without dwelling too long upon the story, it is true to say that in taking the history of the century, of which we are now speaking, there have been at least five periods during that time, times of what would be regarded in this country as destitution of the great mass of the people, and certainly two of absolute famine.

It is recorded that, owing to the high prices that had prevailed, rents had enormously gone up, but in two years, from causes not altogether easy now to trace, wheat, at this time one of the considerable products of the country, which in 1812 was worth £6 a quarter, had fallen in 1814, a period of two years, to £3 a quarter. Rents were still maintained at a high standard and at a high pressure. Crime again arose, and was the subject of the charges of judges to juries on criminal trials, and

Baron  
Fletcher,  
1814.

many lives were lost on the gallows, and many men were lost by expatriation. In that year, or about that time, the year 1814, one of the most remarkable judicial pronouncements which probably ever was delivered from any bench of justice was delivered by Mr. Baron Fletcher to the grand jury in the county of Wexford. Your Lordships will find it reported at full length in the Annual Register for the year 1814. He begins by congratulating Wexford on its previous condition. He goes on to consider the causes which had produced the disturbances, which then prevailed throughout the country, referring to the widespread appearance of those disturbances, and pointing to his experience on the north-western circuit, which included amongst others the counties of Mayo, Donegal, Londonderry, and Roscommon, and he says :—

“But various deep-rooted and neglected causes, producing similar effects throughout this country, have conspired to create the evils which really and truly do exist. First, the extraordinary rise of land occasioned by the great and increasing demand for the necessaries of life, which by producing large profits to the possessors of farms, excited a proportionate avidity for acquiring or renting lands. Hence extravagant rents have been bid for lands, without any great consideration, and I have seen these two circumstances operating upon each other like cause and effect—the cause producing the effect, and the effect by reaction producing the cause.”

He then goes on in a remarkable passage, which I do not think it is pertinent to read in this connection, in which he speaks of the action of the Orange Society as poisoning the fountains of justice, and then he proceeds as to the immediate and distinct causes of the distrust of law, and the crime which prevailed, in a passage than which I have never heard any more remarkable :—

“Gentlemen, that modern pittance which the high rents leave to the poor peasantry the large county assessments nearly take

from them ; roads are frequently planned and made, not for the general advantage of the country, but to suit the particular views of a neighbouring landholder, at the public expense. Such abuses shake the very foundation of the law ; they ought to be checked. Superadded to these mischiefs are the permanent and occasional absentee landlords, residing in another country, not known to their tenantry but by their agents, who extract the uttermost penny of the value of the lands. If a lease happen to fall, they set the farm by public auction to the highest bidder. No gratitude for past services, no preference of the fair offer, no predilection for the ancient tenantry, be they ever so deserving, but, if the highest price be not acceded to, the depopulation of an entire tract of country ensues. *What, then, is the wretched peasant to do ? Chased from the spot where he had first drawn his breath, where he had first seen the light of heaven, incapable of procuring any other means of existence, vexed with those exactions I have enumerated, and harassed by the payment of tithes, can we be surprised that a peasant of unenlightened mind, of uneducated habits, should rush upon the perpetration of crimes, followed by the punishment of the rope and the gibbet ? Nothing (as the peasantry imagine) remains for them, thus harassed and thus destitute, but with strong hand to deter the stranger from intruding upon their farms, and to extort from the weakness and terrors of their landlords (from whose gratitude or good feelings they have failed to win it) a kind of preference for their ancient tenantry."*

There is a great deal more of this which is worth reading. He proceeds to dwell upon what amounts to a charge on the grand jury of fraud, enlarging the charges which I have already mentioned. He points out that " Ribbonism," which then began to show its head, was " Ribbon-<sup>ism."</sup> the product of oppression. He then proceeds to point out how, not content with the extraction of the utmost farthing of rent, these absentee landlords through their agents claim the political power which the tenant, as a voter, had at his command as part of the price which he has to pay for his holding, and he says :—

" The tenantry are driven to the hustings, and there, collected like sheep in a pen, they must poll for the great undertaker who

has purchased them by his jobs ; and this is frequently done with little regard to conscience or duty, or real value for the alleged free-hold."

Then he proceeds to deal at greater length with the results of the fact that so large a class of the Irish land-holders are absentees. I will not dwell upon that passage. Then he proceeds to consider the question : Is there no remedy for all this except the remedy of coercive legislation ? I will show your Lordships in a moment that during the whole of this time there is a continual and dismal record of coercive measure after coercive measure, with hardly a year's intermission, for a hundred years.

He then proceeds, in a passage which your Lordships will forgive my reading, as it will a little lighten the more serious part of what I have to say, to point out how difficult it is for the English mind, which he recognised in the political relations between the two countries as really the governing mind of the matter, to get hold of reliable information, and in a positively humorous passage he describes the course of an intelligent English visitor who is coming to learn the truth for himself. He says :—

“ Does a visitor come to Ireland to compile a book of travels, what is his course ? He is handed about from one country gentleman to another, all interested in concealing from him the true state of the country ; he passes from squire to squire, each rivalling the other in entertaining their guest, all busy in pouring falsehoods into his ears touching the disturbed state of the country and the vicious habits of the people. Such is the crusade of information upon which the English traveller sets forward ; and he returns to his own country with all his unfortunate prejudices doubled and confirmed, in a kind of moral despair of the welfare of such a wicked race, having made up his mind that nothing ought to be done for this lawless and degraded country.”

I have said that I will point out what was the nature

of the coercive measures, as for convenience sake and brevity's sake they are called, in existence at this period. In 1800 there was in existence the Insurrection Act, the Habeas Corpus Suspension Act, and, during a part of the period, martial law. The same in 1801. In 1803 there was the Insurrection Act. In 1804 there was the Habeas Corpus Suspension Act. In 1807 and 1808 the Insurrection Act and martial law, and the Habeas Corpus Suspension Act. In 1809 and 1810 the same. In 1814, 1815, 1816, and 1817 the same. In 1822, 1823, and 1824 the same.

I now pass on, although there are one or two intervening incidents that I might dwell upon, and I take up at this point, namely, from the years 1824 to 1825, the best, the most reliable, the most philosophic inquiry that I have come across into the causes of Irish crime—I mean Sir George Cornwall Lewis's book. If your Lordships are not familiar with it, and have not got it, I should be very glad to be allowed to hand it up.

It is the work of a man eminently fitted for the task he undertakes; a scholar, a statesman, a man of eminently fair and judicial mind; and, my Lords, while I make an apology for the length at which I refer to this, I will promise that I will not trouble your Lordships with any other authorities that I refer to at anything like the same length. The book was published in 1836, and practically takes up the whole field of inquiry, beginning with a parliamentary inquiry by a Select Committee in the year 1824, so that it covers altogether a period of twelve years. He proceeds to consider the question under these heads:—

“The causes of Irish Disturbance; their character and objects; the means used for accomplishing these objects; and the effects produced by them.”

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Now at page 46 he points out the causes of disturbances in Ireland, and says :—

“ According to the prevailing system, which has to a greater or less extent been acted upon nearly up to the present day, every Irish Catholic was presumed to be disaffected to the State, and was treated as an open or concealed rebel ; the entire government was carried on by the Protestants, and for their benefit, and the Protestants were considered the only link between England and Ireland. The English thought it for their interest that Ireland should belong to them, and they supported the Irish Protestants in oppressing the Irish Catholics, who, it was assumed, without that oppression would throw themselves into the arms of France. At the same time that the wide and impassable line was drawn by the law between the two religions in Ireland, and the one persuasion was made a privileged, the other an inferior, class, the whole of Ireland was treated as a province or colony, whose interests were to be sacrificed to those of the mother country.”

And then at page 49 he elaborates that point and says :—“ In these two ways ”—that is to say, the landlords being few in proportion, and to a large extent Englishmen, and to a still larger extent not professing the religion of the great majority of the Irish people, being Protestants—

“ In these two ways all friendly connection between the landlord and tenant of the soil was broken ; either the landlord was at a distance and was represented by an oppressive, grasping middleman, or, if on the spot, he was the member of a dominant and privileged class, who was as much bound by his official ties as he was prompted by the opinion of his order, by the love of power, and by the feeling of irresponsibility, to oppress, degrade, and trample on his Catholic tenants.”

Hence it was impossible that the different classes of society should be shaded into one another, that the rich should pass into the poor by that insensible gradation which is found in England, or that those amicable relations should ever be formed between landlord and tenant

which (with temporary and partial exceptions) have subsisted for some centuries in the latter country, to its great and manifest advantage. The sharp separation of the upper and lower ranks, the degradation of the peasantry, their ignorance, their poverty, their recklessness, and their turbulence were as necessarily the consequence of the system pursued in Ireland as the comparative comfort of the labourer, the occupation of the land by a respectable tenantry, the general tranquillity of the agricultural population, and the gradual passage of the richer into the poorer ranks were the consequences of the system pursued in England. And any person who had attentively studied the state of society in England and Ireland at the opening of the eighteenth century might, without any remarkable gift of political prophecy, or without hazarding any rash conjecture, have foretold the respective destinies of the agricultural population in either country.

My Lords, he then refers to Arthur Young, who towards the end of the eighteenth century visited Ireland, and who gives proof of a deeper, darker kind still than I care to advert to, of the degradation to which the wives and daughters of the Irish tenants were subjected as part of this pernicious system. He goes on :—

“The landlord of an Irish estate inhabited by Roman Catholics is a sort of despot, who yields obedience, in whatever concerns the poor to no law but that of his will.”

The following, my Lords, is indeed a philosophical observation worth bearing in mind in the progress of this case, and at every part of it.

“To discover what the liberty of a people is we must live among them, and not look for it among the statutes of the realm ;

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the language of written law may be that of liberty, but the situation of the poor may speak no language but that of slavery. There is too much of this contradiction in Ireland ; a long series of oppressions, aided by many very ill-judged laws, have brought landlords into a habit of exerting a very lofty superiority, and their vassals into that of an almost unlimited submission ; speaking a language that is despised, professing a religion that is abhorred, and being disarmed, the poor find themselves in many cases slaves even in the bosom of a written liberty.”

My Lords, let me here observe that, although I do not mean to suggest that there have not been in operation causes outside the law which have mitigated the ferocity of this landlord system in Ireland, I do maintain, and I hope I shall demonstrate to your Lordships, that until the year 1881, and then as one of the products and fruits of the very revolution your Lordships are trying, there was no real or effective check imposed by the law upon landlord oppression.

He then again proceeds to cite the evidence, which I will not do in great detail, taken before a committee as to the causes of crime. My Lords, this was a committee which was appointed in 1824, and afterwards became a committee of both Houses of Parliament, and which practically sat for a number of years, and I think finally made its report, I am not quite sure of the date, but I think somewhere about 1826 or 1827. He refers to one witness who was one of the barristers appointed to administer the Insurrection Act in 1822, and who assigned distress as one of the causes of the state of things in Ireland, and he was then asked by some member of the committee, “Have you ever directed your attention to the ultimate causes of it ?” to which the witness answered : “The ultimate causes must be sought much further back in the history of the country.”

Then, my Lords, he proceeds to give his reasons

bearing on this head, which I shall have to trouble you with, though at a later stage, when I come to put before you the history of the details of the land legislation relating to Ireland. Then he refers to the evidence of an inspector of police, who is asked :—

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“To what do you attribute the long disturbance you have described as prevailing among the lower orders in that part of the country (Munster) ?” and he answers : “It is very difficult for me to form an opinion, it arises from so many causes. I think a great deal of disturbance has arisen about the rents ; the land during the war was set very high in most parts of Ireland, and in peace there was a great reduction in the price of produce, a most considerable reduction in Ireland, and I think that the landlords were proceeding to distress the tenantry and to get those high rents which the produce of the land did not enable them to pay, and I think that that caused a number of persons to be turned out of their farms, and from that arose a number of outrages from the dispossessed tenants.”

Mr. Justice Day, judge of the Court of King’s Bench in Ireland, whose tenure of the judicial bench appears to have been twenty-one years, is asked a question upon the same subject, and in reference to his circuit experience he points as an example to one case in the county of Limerick, upon the estate of one Lord Courtenay. There was a good deal of oppression and disturbance in consequence, into which he goes at some little length.

Then another witness says—I will not trouble your Lordships by repeating the same thing, but he gives the same causes, “the prime one always being the rent and tithe, and other charges on the land, which it was utterly impossible to pay. The people could not pay anything like the demands.” All through I find the same keynote.

Then there are one or two questions in this con-

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nection, although it will come a little later in the second head that he mentions. One is asked at page 73 :—

“What was the object of some of these movements? From the history of the disturbance it appears that it originated in the conduct of a gentleman on the Courtenay estate. He was very severe towards the tenants, and the people who were in wealth previous to that were reduced to poverty, and they thought proper to retaliate upon him and his family.”

I ask the Attorney-General’s attention to this :—

“And upon those who took their lands, and this was the origin of it.”

When Mr. Leslie Foster, at that time a member of Parliament, is asked his opinion, and to what he attributed the frequent recurrence of disturbances, he says :—

“I think the proximate cause is the extreme physical misery of the peasantry, coupled with their liability to be called upon for the payment of different charges, which it is often practically impossible for them to meet. The immediate cause of these disturbances I conceive to be the attempt to enforce these demands by the various processes of law; we are also to take into consideration that they are living under constitutions for which they have neither much affection nor much respect. I have assigned what I conceive to be the proximate cause of the disturbance. I think the remote one is a radically vicious structure of society which prevails in many parts of Ireland, and which has originated in the events of Irish history, and which may be in a great measure palliated, but which it would, I fear, be extremely difficult now wholly to change.”

Then a stipendiary magistrate of experience in Queen’s County is asked :—

“Are the Committee to understand that you consider the spirit of outrages has not been got under?”—“It has not.”—“Can you give any hint to the Committee as to what you consider likely to accomplish that desirable object?”—“I think if the laws were amended in one, two, or three instances which I will suggest, it would tend to the security of the public peace. There is scarcely an outrage committed relative to land but what the people assign a cause for it;

if I may use that expression, in some instances the unfortunate people do show a cause for it."

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Mr. Blackburne was examined, who was Chief Justice of the Queen's Bench, as your Lordships may probably recollect, and afterwards Lord Chancellor of Ireland, and in introducing his name at page 78, Sir George Cornewall Lewis sums up a portion of the case included in his evidence. He says:—

"All the above witnesses agree in a remarkable manner with regard to the causes of the Whiteboy disturbances. All trace them to the miserable condition of the peasantry—to their liability to certain charges, the chief of which is rent, which they are very often unable to meet—and to their anxiety to retain possession of land, which, as Mr. Blackburne truly states, is to them a necessary of life, the alternative being starvation. With the dread of this alternative before their eyes it is not," says Sir George Lewis, "to be wondered that they make desperate efforts to avert it—that crime and disturbance should be the consequence of actual ejectment is still more natural."

And, by the way, Mr. Blackburne mentions one case on the estate of Lord Stradbroke, where, he says:—

"The agent, attended by the sheriff, went upon the land and dispossessed a numerous body of occupants; they prostrated the houses, leaving the people to carry away the timber. The number of persons that were thus deprived of their houses on that occasion was very large. I am sure that there were about forty families, but I cannot tell you the number of individuals. They were persons of all ages and sexes, and, in particular, a woman almost in the extremity of death." And then the question follows, "What do you conceive became of them?" and the answer is: "I should think they have been received from charity up and down the country."

Mr. Barrington, a gentleman who appears to have had a very long official life, because I find the same gentleman—I think it is the same gentleman—turning up as a witness at another of these perennial commis-

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sions to inquire into the causes of Irish crime in the year 1852. He agrees with the general comment upon the lamentable condition which Sir George Lewis points out, and which is summed up by him at page 88 :—

“There is so much permanent misery in the southern and western parts of Ireland, the mass of the county population are in such a state of distress and suffering, they have so little either to hope or to fear, that they are ready at almost any time to break out into disturbance, in order, if not to rebel, at least to weaken that law which they have always been accustomed to consider as their enemy.”

And he makes one very curious comment upon a suggestion which has been made in the course of this case, when the question was addressed earlier by one of my friends, that there is a degree of wretchedness in which the people have been so completely prostrated that crime is not found to be rancorous amongst them. “Do you think it reasonable to expect perfect tranquillity ?” is the question put to Colonel Rochfort—“Do you think it reasonable to expect perfect tranquillity in Ireland when there is such a state of wretchedness, and the people so badly clad, fed, and housed ?” What is the answer ? “My abstract opinion is, the lower in the scale of society the populace is, the more sure you are of its obedience.” Then the question is put : “In order to keep the country quiet you would keep the country wretched ?” And the answer is : “I would not keep it so, but I think it would secure the tranquillity of the country.” And then Sir George Cornewall Lewis upon that observes :—

“The disturbances in question appear to prevail most where the peasantry are bold and robust, and one degree removed above the lowest poverty, and where the land is productive and consequently thickly peopled.”

My Lords, Sir George Cornewall Lewis was writing before the years of the famine—he was writing before the enormous clearances that have taken place in the present century—clearances starting principally from the famine time, not beginning, but starting in increased volume during the famine time, when the landlords, just as distress increased, increased in their urgency of legal process, as it will be shown to your Lordships they did in 1879, 1880, 1881, and 1882. He then cites another authority upon this subject, and a very valuable one, an English historian, Wakefield, in his account of Ireland. This is upon another point. In his first volume Wakefield says, at page 244 :—

“In Ireland landlords never erect buildings on their property, or expend anything in repairs ; nor do leases in that country contain so many clauses as in England. The office of an agent is thus rendered very easy, for he has nothing to do but to receive his employers’ rents twice a year, and to set out the turf-bog in lots in the spring.”

That is, of course, upon a point with which I am not now directly dealing.

My Lords, I leave the consideration of the causes of Irish agrarian crime, which really means the causes of Irish crime.

The next point which Sir G. C. Lewis proceeds to consider are the character and objects of that crime, and this will, I think, be found to be very important. He says :—

“In order to comprehend the peculiar character of the offences springing from the Whiteboy system in Ireland, it is desirable to consider all crimes as divided into two classes, not according to the ordinary distinction of crimes against the person and crimes against property, but with reference to the motive with which they are committed, or the effect which they are intended to produce.” (That is at page 94, third chapter.) “Under one class may be arranged those crimes which are intended to intimidate, to deter-

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mine men's wills, to produce a general effect not necessarily even limited to the individual whose person or property is the object of the crime, but at any rate calculated to influence his conduct in respect of some future action. Such are threatening notices, malicious injury to property, beatings, murders, etc., in consequence of some act of the party injurious to a particular person, or to classes of persons. The object of these is either directly to prevent or to compel the performance of some future act, which a specified individual is supposed to be likely to perform or not to perform ; as when a man is threatened, either orally or by a written notice, that he will be killed if he ejects or admits such a tenant, if he dismisses or does not dismiss such a servant, if he prosecutes or gives evidence against such a party ; or, secondly, it is to punish a party for having done some act."

And then he proceeds to enumerate in the same way cases in which a man is threatened because he has rejected or admitted such a tenant, because he has not dismissed or has dismissed such a servant, because he has prosecuted or given evidence against such a party. Then he points out the motive of the crimes that he is considering.

"In this character" (he says) "they look not merely to particular, but also to general results ; not merely to the present, but also to the future ; not merely to themselves, but also to those with whom they are leagued and with whom they have an identity of interests. *The criminal who acts with these views is, as it were, an executioner who carries into effect the verdict of an uncertain and non-apparent tribunal ; and it usually happens that others profit more by his offence than he himself who committed it.* To the other class may be referred those crimes whose effect is limited to that which is actually done by the offender."

I will not trouble your Lordships by pursuing that passage ; but I do ask attention to the fact how ill this historical record fits in with the statement of the case which the Attorney-General, upon what I must designate most imperfect instructions, put before your Lordships. We have here the very same class of

things, carried out in the very same way, apparently with the very same class of object. Then he proceeds :—

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“Now, the characteristic difference between the crimes of Ireland and of England, France, and indeed of almost every civilised country in the world, is, that in a large part of Ireland the former class appears to preponderate considerably beyond the latter.”

That is to say, the class in which the offence is committed, not to revenge a wrong done upon the individual committing it by an individual who has committed it, but in the sense which Sir George Cornewall Lewis subsequently explained, namely, the protective sense. Then he continues :—

“The preponderance of the exemplary or preventive crimes” (which is another term he applies) “may be particularly seen in certain districts of Ireland. Thus in Munster, in the year 1833, illegal notices, administering unlawful oaths, assaults connected with combination, attacks on houses, burnings, maiming of cattle, malicious injury to property, and appearing in arms, nearly all of which were of this description, comprehended 627 out of a total of 973 crimes, and even of the others, homicides, etc., many were doubtless committed with the same motive. . . . It is to the state of things which we exhibited in the last chapter, to the wretched condition of the mass of the Irish peasantry, their inability to obtain employment for hire, and their consequent dependence on land, to the system of combination and self-defence thus engendered, in short, to the prevalence of the Whiteboy spirit, that this peculiar character of Irish crimes is to be attributed. It has already been explained how the Irish peasant, constantly living in extreme poverty, is liable, by the pressure of certain charges, or by ejectment from his holding, to be driven to utter destitution, to a state in which himself and family can only rely on a most precarious charity to save them from exposure to the elements, from nakedness, and from starvation. It is natural that the most improvident persons should seek to struggle against such fearful consequences as these, that they should try to use some means of quieting apprehensions which (even if never realised) would themselves be sufficient to embitter the life of the most thoughtless ; and

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it is to afford this security that the Whiteboy combinations are formed."

Then he proceeds to use this language, more than once quoted, but certainly remarkable:—

*"The Whiteboy Association may be considered as a vast trades union for the protection of the Irish peasantry; the object being, not to regulate the rate of wages or the hours of work, but to keep the actual occupant in possession of his land, and in general to regulate the relation of landlord and tenant for the benefit of the latter. . . . That the main object of the Whiteboy disturbances is to keep the actual tenant in undisturbed possession of his holding, and to cause it to be transferred at his death to his family, by preventing and punishing ejectment and the taking of land over another's head" [which is land-grabbing], "is proved by a whole body of testimony. A secondary, but not unfrequent object is to regulate the rate of wages by preventing the employment of strangers, or by requiring higher payment from the farmers. The Whiteboys of late years have rarely interfered with the collection of tithe, which was at one time their principal object of attack."*

Classification  
of  
Crimes.

Now, my Lords, he gives at this point a classification of the crimes then prevalent. It reads like a record of the crimes your Lordships have been inquiring into—crimes which the Attorney-General was instructed to say were previously unknown:—

"To force the party to quit land in his occupation. To avenge the taking of land. To force the party not to eject tenants, or to punish him for ejecting them. To force the party not to take land. To force the party not to let land to certain persons. To force the party to let land to certain persons. To force the party to let land at a certain rate. To prevent the party from recovering possession of a house. To force the party not to pay more than half a year's rent. To force the party to quit his service. To force the party not to employ or to punish him for employing certain persons. To punish for discharging from his employment. To prevent persons working under a certain rate of wages. To prevent or avenge the collection of rent, tithes, or county cess, or the taking of legal measures to enforce payment of them. To rescue parties arrested. To prevent the party giving information to the military. To prevent the execution of a warrant;"

and so on, and so on. It is a classification of many offences which have been proved to have existed in this case. There is an answer at page 109 by the Rev. Nicholas O'Connor, one of the witnesses examined, which is not without significance. It is asked—

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“What are the principal objects they have in view?—To keep themselves upon their lands. I have often heard their conversations when they say, ‘What good did the emancipation do us? Are we better clothed or fed, or our children better clothed and fed? Are we not as naked as we were, and eating dry potatoes when we can get them? Let us notice the farmers to give us better food and better wages, and not give so much to the landlord and more to the workman. We must not let them be turning the poor people off the ground.’ Then some of them that went to England and saw the way the English labourers are fed and clothed, came back and told them: ‘If you saw the way that the English labourers lived, you would never live as you do;’ and some persons from another part of the country told them that they managed things a great deal better; that the way ‘was to swear to be true to each other, and join to keep the people upon their ground, and not let the landlords be turning them off;’ then it is proposed that they should meet at some shebeen house, of which there are too many, unfortunately, in the country, or some licensed house of low description where they get drunk and become demoralised, and thus they are seduced into the Whiteboy system.”

My Lords, I recollect a conversation, publicly quoted some years ago, which made a deep impression upon me, for I knew the conversation had taken place as it was reported. A peasant in the south of Ireland in the year 1881, complaining of his hard lot and of the exactions and raisings of rent which had been put upon him by his landlord, whose name I will not mention, was bidden to be of good hope, that there had been promise of land reform and protection for the Irish tenant. The man’s answer was very significant. He said:—

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"I believe Government mean well, but," he said, "the people have done more for themselves than the Government will do for them. I am told that down Tipperary way" (this man was a Kerry man) "the landlords were at one time the worst in Ireland, and some of them got badly hurt, God help them, and now they tell me that the landlords of Tipperary are as good as any of the landlords in the rest of Ireland."

My Lords, that is a sad spirit to have got hold of the people, looking to themselves and to such means, not to the Government of the country and the Legislature of the land, for the redress of grievances. There are many other things in this interesting book that I would have desired to call attention to, but I have so much to say that I cannot dwell on it as long as I should otherwise desire to do. My attention is called to page 111. Very much the same thing has been said by Mr. Bennett, speaking of other counties, Kildare and Queen's County.

"The character of crime appeared to me to result from a conspiracy to prevent any person from taking land, or from possessing land from which the previous tenant had been ejected for rent, and threatening strangers of every description from coming into the country; also particularly directed against witnesses who either have come forward, or it was apprehended would come forward to give evidence upon criminal prosecutions, or with respect to land; that was the impression that was made upon my mind from the evidence I received."

Figures as  
to Crime.

My Lords, to the classification of crime I have already referred. I should like now to call your Lordships' attention to the quantity of crime referred to. Now, you will see, sad and regrettable as is the state of crime which you have been inquiring into for a period of ten years—many of those years, years of dire distress, as your Lordships will have demonstrated to you—how slight that crime is compared with the

period I am now upon. The particular table I have is the year 1833. "Riots in Ulster, 340." It appears that figure ought to be corrected, because a note says that in one of the districts of that province included under the head of riots are assaults. That, of course, is unimportant for what I am upon.

"In Leinster, 94; in Munster, 46; in Connaught, 59: total for that year of riots, 539. Rescue and resistance to legal process: Ulster, 127; Leinster, 41; Munster, 48; Connaught, 226: total, 442, for the year 1833. Illegal meetings: Ulster, 83; Leinster, 128; Munster, 6; Connaught, 64: total, 281."

Then there are "notices," which I do not trouble your Lordships with.

"Administering unlawful oaths," total, 167. "Appearing in arms," total, 145. "Robbery or demand of arms, 393. Assaults connected with combination, 926. Attacks on houses, 1325. Burnings, 489. Maiming or destroying cattle, 271. Malicious injury to property, 890. Homicides: Ulster, 45; Leinster, 56; Munster, 80; Connaught, 57: total, 237," in the one year 1833! "Firing at persons" (this was at the beginning of the tithe war), total, 237. "Cutting and maiming, 31."

Then "burglary" I need not trouble your Lordships with, nor the others, making as the grand total of all crimes for that year the enormous number of 9943 offences.

Now, I think I am justified in saying that, so far, I have shown, in a condition of things in many respects far below the intensity and pressure upon the great body of the population which existed in 1879, when the people had no open organisation, a state of crime much worse than anything that can be suggested as having existed in the worst years since 1878; and I hope to make it apparent to your Lordships that, although it may be suggested (that I will hereafter deal

with) that the Land League exercised an oppression and a tyranny of its own, yet I say it is demonstrable that, just in proportion as it was effective in these results, which will be alleged to have exercised a certain petty tyranny or pressure, it had the effect of lessening so far from increasing serious crime. And it seems to me that the consideration of the case makes it apparent that that must be so, because if you have got, focussed, the expression of the opinion of a largely preponderating class in the community in condemnation of a particular line of conduct supposed to be inimical to the general interests of the community, whether it takes the form of boycotting, or what you please, it is perfectly obvious that in proportion as that force is effective, it must tend not to increase but to diminish weighty crime. You may say that is itself crime. I will deal with that hereafter. You may say that boycotting is crime and a relentless form of tyranny. I shall examine that presently, but I say it is demonstrable that, just in proportion as there is a focussing of the public opinion in the localities and throughout the country, it must have the result of lessening serious crime.

Tithe War, 1830. The tithe war began in 1830, and it to some extent overlaps the period Sir George Cornewall Lewis refers to. It includes the year 1833, the statistics of which he gave us. It continued with (what shall I call it?) great force until the year 1835, when one of the few statesmen charged with the conduct of public affairs in Ireland who ever showed a comprehension of his position and of the state of things in Ireland—I mean Thomas Drummond—succeeded to the Irish Office as Under-Secretary, and took a bold and resolute step—a step difficult perhaps to justify upon narrow tech-

nical legal grounds, because the tithe farmers and the tithe owners had the right to their pound of flesh, and they had a right to invoke in aid the civil authority ; they had a right to invoke the executive forces of the Crown in assertion of those rights. Thomas Drummond refused them that help ; and from 1835 until finally the Tithe Act was passed in 1839, there was comparative peace in Ireland in the matter. Boycotting existed ; all the evils which are here referred to, as Sir George Cornewall Lewis's book shows, existed in a marked degree. Men were ordered out of particular employments of obnoxious persons who would not yield to the suggestions or the behests of the anti-tithe organisers, and in this connection I will quote from a book, which is the only work of any historian that I shall have occasion to refer to who may be said to be in sympathy with the defendants here accused ; but he quotes his authorities, and I refer to his book because I find them conveniently collected there—I mean the book of my learned and able friend Mr. Barry O'Brien, entitled *Fifty Years of Concessions to Ireland*. I am reading from the first volume. He gives an instance of the mode in which the attempts at seizures for tithes were resisted, and at page 397 he gives this instance of the way in which those public sales were treated. Notices were put up to this effect :—

“(1) It is requested that no auctioneer will lend himself to the sale of cows distrained for tithes. (2) It is requested that no person will purchase cows distrained for tithes. (3) It is resolved, that the citizens will have no intercourse or dealings with any person who aids in the sale of the cows as auctioneer or purchaser.”

The result was there were no sales. He then goes on to describe a scene which has a humorous aspect. The anti-tithe organisers of Dublin caused notices to be served on five leading persons in their community, calling upon

them not to pay tithes. These five persons were Lord Cloncurry, Mr. Armstrong, Mr. Bourne, Mr. Bagot, and Mr. Graydon. The notices were disregarded, and orders were then issued directing their servants and labourers to leave the employment of those gentlemen. These orders were instantly obeyed. A meeting was next held in the neighbourhood where these gentlemen lived, and they were all summoned to attend the meeting and explain their conduct in disobeying the injunction. Graydon, Armstrong, Bourne, and Bagot, I believe, all, after an interval, came in and said they would not pay tithe any more. The question was asked by the chairman, Mr. Neill, where was Lord Cloncurry? An answer came that his lordship was not there, but that he had sent a number of labourers in his employ to represent him. The chairman said: "What have you got to say? Why did Lord Cloncurry pay the tithe?"—"He did not pay it," said the spokesman, "and he was always a friend to the people, and always against the tithe, and he has not paid a shilling in tithe to Dean Langrishe since the Dean came to this parish." So far the case seemed very good, and Lord Cloncurry was going to be dismissed as having accorded with the popular wish in the matter, when one of the labourers more indiscreet than the others shouted out: "And what's more, the divil a copper of rent the Dane pays me Lord." So that immediately it became apparent that Lord Cloncurry, on the one hand, was not paying his tithe to Dean Langrishe, but, on the other hand, that Dean Langrishe was getting it in meat if not in malt, because he was not called to pay any rent to Lord Cloncurry. The result was that steps were taken that these servants should not go back to work for Lord Cloncurry except he undertook not to pay the tithe. Well, my Lords, I

could multiply these instances. These are not cases where, as described in the indictment of *The Times*, self-interested, self-seeking politicians constructed the machinery for this anti-tithe war. It sprang up naturally, because there was a strong sense of the injustice and oppression which the system was working upon the people; and then, as naturally takes place in every such movement, there came to the front men who held the same views, men who were fit to do work which the needs of the country at the time required to be done to meet a social wrong and a social oppression.

There is a Lords' Committee of 1839 which tells the same story that I have been already telling your Lordships. I do not propose to trouble your Lordships with a repetition of that. I merely give the reference to it in passing, and I pass over other similar accounts at other periods.

Now we come to still later days. A parliamentary committee of the House of Commons was appointed in 1852; and here the venue is changed from the south and west of Ireland to the north of Ireland, the three counties whose disturbed state was then inquired into being the counties of Armagh, Monaghan, and Louth, two of them Ulster counties. The committee was to inquire into the outrages in Ireland, and into the state of those parts of the counties of Armagh, Monaghan, and Louth which were referred to in her Majesty's speech, into the immediate cause of crime and outrage in those districts, and into the efficiency of the laws and their administration for the suppression of such crime and outrage. I will not trouble you at the same length as I have done, and will give your Lordships a summary of the evidence. It

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is noticeable that what I may call the official class of witnesses, with hardly an exception—district inspectors, if they existed then, police magistrates, landlords, and so forth—all said the Land Question had nothing to do with the state of things then existing; all that was wanted to secure peace in Ireland was a strengthening of the criminal law; and they added that the effect of any concession in the shape of further yielding (as they called it) to the demands of the Irish tenants would be but to encourage them in their lawlessness, and to encourage their agitators. The agitators at that time were the men whose names I have already given to you in an earlier portion of my address. The agitators in the south were, prominently, Frederick Lucas, Sir Charles Duffy, John B. Dillon (the father of the accused John Dillon in this case), and, in the north, Dr. M'Knight, editor of the *Banner of Ulster*, and the Rev. John Rogers, Moderator then or thereafter, as I have already said, of the General Assembly of Ulster.

But, notwithstanding this official evidence, the committee made two suggestions. Some witnesses had insisted upon the distrust which existed in the administration of the law, and others had insisted upon the state of the land law, as the cause of the disturbance being inquired into. The committee make these two suggestions—(1) That there shall be but one panel of jurors to try issues civil and criminal at these assizes, in addition to any special jury which may be lawfully summoned, and that measures shall be adopted to secure strict impartiality in the construction of the jury panel; (2) That the attention of the Legislature be directed to an early consideration of the laws which regulate the relations of landlord and tenant in Ireland with a view to their consolidation and

amendment, and especially to consider the practicability of such legislation as might provide adequate security to tenants for permanent improvements, and otherwise place the relation on a more satisfactory basis.

Sir Charles Duffy, Mr. Lucas, Mr. Isaac Butt, a host of men, had again and again, as I shall have to point out, tried to do this thing and failed. Attention had not been sufficiently awakened and arrested in the mind of the English people and in the mind of the Imperial Legislature. They had not realised the significance and importance of it. The Devon Commission of 1845, seven years before, had recommended the same thing, in the same direction, on the same lines; and yet nothing was done till a quarter of a century after that recommendation of the Devon Commission, namely, in 1870, and then but little. The recommendation being in 1845, nothing was done till 1870, and then an Act was passed which, to use the language of Mr. Leonard, agent for Lord Kenmare—language with which I agree—produced little or no effect.

The point I am now upon, of course, is still the history of crime. The committee took the evidence of <sup>Their Report and Summary of the Evidence.</sup> magistrates, police inspectors, and Catholic clergymen, and they reported on the 4th June 1852. The general state of things proved was the occurrence of numerous murders and other outrages, difficulty in detecting offenders and securing their punishment, strained relations between landlords and tenants, a widespread secret Ribbon society, and an open and avowedly constitutional organisation called the Tenant League, the heads of which I have mentioned. Evidence was given that murders of landlords and land agents and magistrates had taken place, one notably attracted a great deal of attention at the time, the murder of one Maul-

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everer, which was the occasion (I may mention it, as I have animadverted strongly upon *The Times* in general) of an article in *The Times*, stronger in its language than any speech or combination of speeches that have been read in the course of this case; bailiffs beaten for serving tenants with notices calling upon them to attend and pay their rents; herds and caretakers of evicted farms murdered; outrages upon occupiers of evicted farms; the murder of an agent, Powell, who had been clearing lands to enlarge the demesne of the owner, one Quinn; a baker threatened for collecting his debts; an agent murdered for collecting rents; threats to the bailiff who served the notices to pay the rents and to come into the office; and threats also to tenants who were going to pay rent and who had paid without reduction—the very same class of thing as is in question here; proof that it was customary for gentlemen to travel armed; threatening notices with coffins and the rest; outrages to prevent bidding for farms; outrages upon the occupiers. A number of these it was proved, as in this case, although connected with land, probably arose from private quarrels and differences.

Then, as regards the incidents and effects of these crimes, the great majority of the witnesses admitted that the Land Question was at the root of them; that the principal object was to get reductions of rents and to prevent evictions; that a large quantity of land was waste, because none dared to take it, and the landlords were afraid to stock it with cattle lest the cattle should be injured; general indisposition to take land from which tenants had been evicted; general sympathy with outrage, leading to the withholding of evidence; evidence of getting up subscriptions for the defence of prisoners in agrarian cases; and regrettable but true—I

mean as connecting cause with effect—reductions of rents, stoppings of contemplated evictions after and in consequence of outrage or the dread or apprehension of outrage; and lastly, the agents in the commission of these offences, the active workers, shown to be labouring men and the younger sons of small farmers—the very thing which you have again in this case—men who are described as moral in other relations of life; crime in Ireland spoken of as the “crime of the community.” An illustrious man, whose tongue is now silent for ever, Mr. John Bright, was a member of this committee, and I only wish your Lordships had the time and the opportunity to go through this evidence and read his cross-examination of witnesses, and see, reading between the lines, the views that were in full pressure and force upon his mind as to the difficulties and the causes which lie at the bottom of this disturbance.

Now, the evidence also showed that the rents had previously been punctually paid until the bad seasons of the potato crop. That is exactly what I shall prove, and, what already has been proved to be the case here, that those rents were paid partly out of the produce of the land, partly by harvest earnings in England, for even from the county of Armagh persons have gone for the purpose of working in the English harvests; partly from remittances from relatives in service in England, and from relatives in America; that in the period of distress small subscriptions and little help came from the landlords to alleviate the distress; that the greatest number of the outrages were in the baronies and parts of the counties where there were most ejectments and most threats of ejectment; and according to some of the witnesses that the outrages were due to the high letting of the land and to the evictions, and to people having no other resource but the land.

Commons'  
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1852.

I am now reading (rather than read the whole thing at great length) a summary of the evidence, and opposite the summary the number of the question is in each case given, and I shall be glad to hand up both the book and the summary, if your Lordships desire to look at it.

It was further shown that the machinery of outrage was organised by a secret society of Ribbonmen ; that these societies were working by identical methods in the north and in the south ; and that they were of long standing and under various names. Then it was shown that the Ribbonmen belonged to a particular religious section just as the Steelboys belonged to one particular religious section, though, so far as their methods and the objects of their attacks were concerned, Catholics equally with Protestants were attacked. They made self-constituted tribunals to settle the affairs of the country ; forced contributions ; lots were drawn as to the commission of outrage ; persons not allowed to take land from which others had been evicted. And, in answer to a suggestion—a very faint and unimportant suggestion—which was made in the course of the inquiry as to the part which the Tenant League had in the matter, I should like to read two or three questions at greater length. The only persons who made that suggestion were what I have called the police or official witnesses. I think this particular witness, a clergyman, was being examined by Mr. John Bright, who apparently had a proof of his evidence.

“ You have stated that the origin of Ribbonism was the existence of Orange Societies.” “ You have alluded to the case of Mr. Powell ” (and so on. I need not trouble your Lordships about that). “ You are perhaps aware that the Tenant League Association

has been formed recently ? (A.) Yes. (Q.) Would you ascribe the Commons' increase of crime in your district, or in neighbouring districts, to the existence of the Tenant League ? (A.) I would not. (Q.) 1852. Would you say there is any connection between the Tenant League Association and the perpetrators of crime in the districts with which you are acquainted ? (A.) I think the Tenant League has a directly opposite effect, inasmuch as hopes are held out that the condition of the tenant may be improved ; and I think that very expectation tends very much to promote peace, and that any hope which is at all afforded that at any prospective time protection will come in the shape of a quiet and peaceful arrangement of the differences between landlord and tenant tends very much to the preservation of peace. . . . (Q.) Do you believe that the Tenant League are taking a peaceable and constitutional mode of accomplishing that object ? (A.) I do ; and their motto is, in point of fact, that every one who does commit a crime in the prosecution of that object is an enemy to the Tenant League. (Mr. Bright) I presume what you mean in regard to the Tenant League is, that they endeavour to make the people understand the question, and they make efforts to get legislation in their favour ? (A.) Yes. (Q.) Are you to be understood as justifying and defending and identifying yourself with every statement which is made by the Tenant League ? (A.) No."

My Lords, a good deal more evidence is given to that effect, but there is the evidence of one witness which struck me as particularly important, the official witness whose name I have already read—namely, Sir Matthew Barrington, who appears to have been a Crown official for a great many years of his life. He was clerk of the Crown, I think, in Munster. I just interpose one other question. The Rev. Daniel Brown, Presbyterian clergyman of Newtown Hamilton, in the county of Armagh, is examined. He is asked :—

“Have agrarian outrages increased within the last few years ? (A.) They appear to me to have increased since the failure of the potato crop, when the small farmers found it difficult to make up the rents they had been accustomed to pay, and landlords and agents commenced evicting and serving notices to quit. (Q.) Can you

Commons' assign any reason for these outrages ? (A.) I think the want of a constitutional remedy for the social wrongs connected with the relation of landlord and tenant has led to many of these offences and crimes. I think if you gave a constitutional remedy for these social wrongs you would cut up crime by the root, and establish order on the basis of justice."

Committee, 1852.

Again, the same Presbyterian clergyman on page 583 says this :—

“(Q.) Do you think that the outrages which have occurred in those districts are the result of Ribbon conspiracy ? (A.) I cannot say what may have been the agency employed—I am not cognisant of that ; but I feel satisfied in my own judgment and conscience that they arose from the unfortunate state of the relations between landlord and tenant. I do not impute them to religion or to politics ; and I say further, that when the State has not provided a constitutional remedy for social wrongs, the principles of our nature look for a remedy, and bad men, taking advantage of that, very often commit crime. Coercion without remedial measures will only aggravate the disorders of the community. Justice is the only firm basis of public order. The oppression of rack-rents and of extra police taxation, punishing the innocent for the guilty, exasperates and disturbs the community, and drives multitudes away to a land where labour finds its reward.”

My Lords, I merely call attention to the evidence of Sir Matthew Barrington, but before I leave this Committee I should like to call your Lordships' attention to the figures of crime. It is at page 590 of the 'Appendix to the Report. First, there is the return of the number of cases in which parties have been made amenable to justice for the years 1849 and 1850. Then there is a comparative return of outrages and arrests reported as distinguished from those for which parties had been made amenable. I will only trouble your Lordships with the more important offences of homicide and firing at the person.

In 1849 parties made amenable : Homicides, 163 ;

firing at persons, 44 ; total number of cases of all kinds at sessions, general sessions, assizes, magistrates, 199,009. That is for the year 1849. In 1850, homicides, 165 ; firing at persons, 22. Your Lordships of course understand that this is not conversant only with agrarian crime ; it deals with all crime, the total being 214,181 for the whole of Ireland. That is everything. I am citing it merely for my present purpose under the head of homicide. Those are the cases for which parties have been made amenable. Now, the cases of homicide reported in 1849, are 203 ; in 1850, 139. I remind your Lordships that over the whole period of ten years which has rightly or wrongly been covered in this inquiry (I mean by the evidence given in this inquiry), going down to as late as the year 1888, I think, if not the year 1889, the entire number of murders of which full and direct evidence has been offered to your Lordships, connected with agrarian causes, amounts, I believe, to about 26.

My Lords, when the Court adjourned yesterday I was pursuing the history of agrarian crime in Ireland, and I was following in order the account, with which I troubled your Lordships at some length, of what I described as the historical predisposing causes to crime in times of distress and particularly to agrarian crime in Ireland. I have nearly arrived at the end of that branch of the case. I have referred your Lordships to the remarkable parallelism between the state of things shown to exist in 1852 in the three counties of Armagh, Monaghan, and Louth, two of those counties being Ulster counties.

Next in order of date came the Land Act of 1870, but I do not propose to give your Lordships a history of that Act at this moment. I desire to give it under the next head, as part of the historical treatment by legisla-

Crime in  
1870-71.

tive action of the Land Question itself. But in 1870 or 1871 there was another outbreak of crime in Ireland which prevailed in a most marked degree in West Meath, which was one of many counties in Ireland which had been subjected to clearances upon an enormous scale. Whole villages and hamlets and houses by the hundred had disappeared under the operations of those clearances ; and in 1870 and 1871 undoubtedly crime had risen to a very high point in West Meath. There was one of the usual committees of inquiry, and at that time and in relation to that measure a speech was made by a statesman, I mean Lord Hartington, in 1871, describing the state of things there. After describing the crimes which existed, he proceeds thus :—

“ All these acts of violence are, we have reason to believe, the work of the Ribbon Society. The reports which we receive show that such a state of terrorism prevails that the society has only to issue an edict to secure obedience. Nor has it even to issue its edict ; its laws are so well known and infringement of them is followed so regularly by murderous outrage that few indeed can treat them with defiance. Ribbon law and not the law of the land appears to be that which is obeyed. It exercises such power that no landlord dares to exercise the commonest rights of property. No farmer or other occupier dare exercise his own judgment or discretion as to whom he shall employ. In fact, so far does the influence of the society extend, that a man scarcely dares to enter into open competition in fairs and markets with any one known to belong to the society.”

My Lords, this was a time when there existed no open organisation in relation to the Land Question, at whose door could be laid the blame of these events. I shall have to refer at this date also to the views, perhaps as important as any views to which I have hitherto called attention, of Dr. Neilson Hancock, for many years the statistician of succeeding Irish Governments, whose

views upon the social and economic condition of Ireland have been regarded by all men of all parties as entitled to the highest weight. That, again, I reserve until I come to the consideration of the Land Act of 1870.

Lastly, in this connection I will cite, a little out of order of time, an authority of great weight, to whom I refer now because, in connection with the expression of his opinions, he mentions as regards a particular epoch to which I have not drawn pointed attention — the state of crime as it then existed. I refer to an important speech of Lord John Russell when, in 1846, one of the perennial Coercion Acts was being introduced into Parliament. I find the book is not at hand, and I will not refer to it.

V.

## HISTORY OF LAND LEGISLATION

Recapitu-  
lation.

I NEXT come to the question of the history of legislative dealing with the Land Question, and I may remind your Lordships, in order that the sequence may be clear in your minds, what I have endeavoured so far to make clear. I have dealt historically with what I have called the predisposing causes of crime, and especially in times of distress of agrarian crime. I have shown, I think, that the main volume of crime was in fact agrarian, and I have also shown that in the previous periods to which I have adverted, agrarian crimes existed of the same class, springing from the same causes, but in greater volume and intensity than in the period with which your Lordships are now dealing. I have established, I submit, that with the recurrent distress there was recurrent crime; and I wish to emphasise that all the more, because your Lordships will recollect that in the present case while the Land League was universal in Ireland, with branches in every county and in every parish, the crime attributed to it is local, and, in point of fact, the crime which it is here sought to attribute to the action of the Land League, under the direction and inspiration of the leaders of the Land League, existed in the districts and the area in which Parliament has by its Relief Acts recognised that the greatest amount of distress prevailed.

Your Lordships may not know at the moment—your Lordships have not yet, I think, been told—that we have definite authority for defining that area of distress, that definite authority being the action of Parliament in the years 1879 and 1880, which scheduled for certain purposes, to which I will hereafter refer, what were known as distressed districts. Those districts, broadly speaking, comprise parts of Galway, parts of Mayo, parts of Kerry, parts of Clare, and part of Cork. You will recollect that we sought to press the witnesses in cross-examination as to whether the greatest crime did not exist in the most distressed districts, and whether, outside those districts where the action of the League was vigorous (as was the case, your Lordships will hear, all over the country), there was not the same presence of crime. The Attorney-General, in order to make some attempt to meet that suggestion, called one or two witnesses from Wexford, as well as I recollect, and I think one or two from the Queen's County, to speak to some acts of boycotting, and I think, in one case, to some acts of violence. The evidence was slight, the crimes unimportant. I am entitled, therefore, I submit, to assume, as I believe the fact is, and as I believe the statistics of crime which have been put in show, that in no abnormal sense did crime, even of an agrarian kind, prevail in the other parts of Ireland outside the comparatively narrow extent of the distressed districts, although the Land League was strong and active.

Having dealt with those matters, I have now to ask your Lordships to consider how Parliament has dealt with this Land Question, which I have endeavoured to show was at the root of the difficulties which exist. And here let me make this broad statement, that before the Act of Union, as well as since the Act of Union,

History of  
Land  
Legisla-  
tion.

General  
Condemna-  
tion of the  
Irish Land  
System.

there had been a unanimous condemnation by every writer of the existing land system in Ireland. I call upon those who may be disposed to dispute my assertion to produce one writer of authority who has ever defended that land system as it has prevailed in Ireland. I could occupy your Lordships' attention for long on this matter. I do not propose to do so ; but I may cite amongst those who have condemned the system and attributed to its existence many of the evils which exist in Ireland, such writers of authority as Bishop Nicholson, Dean Swift, Bishop Berkeley, and Lord Clare, who, answering Grattan in an appeal which he made in the Irish Parliament upon this very question, uses this remarkable language :—

“I am very well acquainted” (he says) “with the province of Munster, and I know that it is impossible for human wretchedness to exceed that of the miserable peasantry of the province. I know that the unhappy tenantry are ground to powder by relentless landlords.”

I might cite the authority of Archbishop King, of John Wesley, of Archbishop Synge, of Mr. Dobbs, of Skelton, of Madden, of Arthur Young (whose authority is second to none in the consideration of economic questions), of Lord Townshend (Lord-Lieutenant of Ireland), of Lord Charlemont, who uses these words :—

“The grievances of the peasantry are exorbitant rents, low wages, want of employment in a country destitute of manufactures, where desolation and famine were the effects of fertility, where the rich gifts of a bountiful mother were destructive to her children, and served only to tantalise them ; where oxen supplied the place of men, and by leaving little room for cultivation while they enriched their pampered owner, starved the miserable remnant of the thinly-scattered inhabitants ; farms of enormous extent, let by their rapacious and indolent proprietors to monopolising land-jobbers, by whom small portions of them were again let and re-let to intermediate oppressors, and by them subdivided for five times their value among the wretched starvers on potatoes and water.”

I might refer to Bishop Woodward, to George Cooper, amongst other authorities before the Act of Union; since the Act of Union, Newenham in his *View of Ireland*; Wakefield, one of the most intelligent writers of this period, in his *Account of Ireland*. I might refer to report after report of committees of the Houses of Parliament in 1819, in 1823; to the reports of the Poor Law Commissioners, showing the condition of the cultivators of the soil; to Thomas Drummond, to Gustave de Beaumont, to the Devon Commission. To Sir George Lewis I have already referred, and I have already directed your Lordships' attention to the remarkable pronouncement of Baron Fletcher in 1814.

My Lords, I again affirm that, while there has been this unanimous chorus of condemnation (and I ask that

Nothing  
done till  
1870.

my proposition may be challenged and questioned, if it can be), until the year 1870 nothing was done to protect the tenant or to stay the rapacity of the landlords. I say that what was done, even on the testimony your Lordships have already had from a land agent of experience in the south of Ireland (I mean Lord Kenmare's agent, Mr. Leonard), had no practical or widespread effect. Again, I remind your Lordships of what I have previously said, but its importance will justify my repeating it—that human experience shows that you may have a bad system of law, in which the rights of one class of the community may be by the law to a great extent at the mercy of another class; you may notwithstanding have, in a healthy community, where there is a local influential public opinion, a law in its letter intolerable and yet, in its daily administration and under the moderate exercise of its rights, a state of things which is perfectly tolerable. But I have pointed out to your Lordships that

Act 1870  
of no  
Effect.

while the law gave no protection, the unhappy political, social, and religious circumstances of the country deprived the people of that protection of public opinion which moderates, controls, and makes the law and modifies its exercise.

I will not go to remote periods in the history of the Land Question. I will not, although commentators have done so, lay stress on and give importance to the history or dwell upon the story, of the various confiscations in Ireland. I will only make this passing comment. It is conceivable that wholesale confiscations might take place in a community, inflicting great injury and injustice upon individual owners of land, and yet the general progress of the community would not thereby be seriously affected; and of that character have been the confiscations, speaking generally, which have occurred in England. But in Ireland the history of the confiscations was wholly different, for it meant not merely the confiscation of the property of the landlord, but the confiscation of the status under the old tribal and sept system of the Irish tenant class. It meant not merely the confiscation of the property of the landlord, it meant the introduction of the feudal system into Ireland, wholly foreign to the country, which practically and materially altered the status of the actual cultivators of the soil.

I have said I will not go far back in the history of the question beyond that passing word. In 1843 the Devon Commission was appointed, and in 1845 made its report. It was appointed in December 1843, and it derives its name from the distinguished nobleman, a man of undoubtedly great ability, who was at its head, I mean the then Earl of Devon—a man who undoubtedly showed the greatest ability in the conduct of the inquiry

committed to him. I have to say of that Commission, as I have to say of every commission down to the latest, that it was in the main a landlord commission, that is to say, that each commission has been a commission the heads of which were identified with the landed interest ; that they were, for the most part (I think with the single exception of the Bessborough Commission in 1880, to which I shall have to call attention in a moment), commissions not merely of landlords or men in the landlord interest and connection, but they were mainly Englishmen. I am not suggesting that they were the worse for that ; but what I mean to suggest is, that while on the one hand, if they were to be taken from the landlord class, it certainly was desirable that they should not be taken from the Irish landlord class ; on the other hand, that they approached the question with no antecedent knowledge of it, bringing to it views and considerations of the relative position of English landlords and tenants, and conceptions drawn from the system which prevailed in England. Under the direct superintendence of <sup>Their Report.</sup> Lord Devon himself, a digest of the part relating to the occupation of land in Ireland was published, for I may tell your Lordships that the report itself extends to a very large number of huge blue books with which I could not think of troubling your Lordships, but in the preliminary chapter the first and second sentences are these :—

“The whole of that vast mass of evidence taken by the Commissioners in reference to the mutual relations existing between the proprietors and occupiers of land in Ireland is at once conclusive, painfully interesting, and most portentous in its character. It proves that the safety of the country, and the respective interests of both those classes, call loudly for a cautious but immediate adjustment of the grave questions at issue between them. In every district of the country we find that a widely-spread and daily-increasing

Devon  
Commission, 1843.  
Their  
Report.

confusion as to the respective rights and claims of these classes exists ; and it is impossible to reject the conviction that, unless they be distinctly defined and respected, much social disorder and national inconvenience must inevitably be the consequence.”

My Lords, for a quarter of a century, in the face of that solemn warning, nothing was done.

He then goes on :—

“ It is difficult to deny that the effect of this system is a practical assumption by the tenant of joint proprietorship in the land ; although those landlords who acquiesce in it do not acknowledge to themselves this broad fact, and that the tendency is gradually to convert the proprietor into a mere rent charger, having an indefinite and declining annuity. In the north, where it is permitted, agrarian crimes are rare. In other places, where it is resisted, they are of common occurrence.”

My Lords, let me here point out that, as to the ground upon which rests the justification of tenant right in the north, or, as it is called, dual ownership or joint proprietorship, precisely the same ground exists over the whole of the rest of Ireland. It is based upon the fact, the essential fact, speaking broadly and generally, that whereas in England a farm is let equipped for its use as a farm, that while in England the landlord has to put his hand in his pocket from year to year, his covenant requiring him to keep up the farm buildings, houses, fencing, and gateing and draining ; that all this, broadly speaking, is the work of the tenants in Ireland ; and I do not hesitate to say that to such an extent has that system prevailed in Ireland, that under a strong healthy local opinion there would have been years ago in Ireland a declaration probably coming from the judicial bench, recognising the custom—recognising the equities which arise from that custom, and doing what the English judges did in a case not very dissimilar—de-

claring the copyhold rights of large classes of occupiers of land in that country.

Devon  
Commission, 1843.

Lord Devon then goes on to warn the proprietors; indeed he uses (I had forgotten it) the very word which I have just used. He says :—

“The landowners do not appear aware of the peril which thus threatens their property, and which must increase every day that they defer to establish the rights of the tenants on a definite and equitable footing. They do not perceive that the present tenant right of Ulster is in fact an embryo copyhold.”

Then, my Lords, a little later on :—

“They do not perceive that the disorganised state of Tipperary and the agrarian combination throughout Ulster are but the methodised war to obtain the Ulster tenant right, or that any established practice not only may, but must, erect itself finally into law, and anybody who will take the pains to analyse this growing practice will soon perceive how inevitable that consequence must be in the present case unless the practice itself be superseded by a substitute that shall put the whole question on a sound, equitable, and invigorating basis.”

Your Lordships cannot fail to see that while the mind of Lord Devon was struck with the necessity of dealing with it, yet importing his own notion of the rights of property, and his own preconception of how property is dealt with in England in the relation of landlord and tenant, he is struggling to suggest the necessity, is pressing the necessity, for an equitable adjustment of this question.

My Lords, there are many passages in this report which I should be glad to read in the same sense, but I will not. Then, my Lords, in chapter viii. he proceeds to consider the evidence as to the connection between the state of the law and agrarian crime in Ireland.

“The great majority of outrages mentioned in the evidence here appear to have risen from the endeavours of the peasantry to convert

Devon  
Commis-  
sion, 1843.

the possession of land into an indefeasible title. In the northern counties the general recognition of the tenant right has prevented the frequent recurrence of these crimes. Even there, however, if the tenant right be disregarded, and a tenant be evicted without having received the price of his good will, outrages are generally the consequence. The opinion of most of the Ulster witnesses examined upon the point appears to be that any systematic attempt to destroy the tenant right would be attended with much danger to the peace of the country."

And remembering the way in which this case has been presented, let me read this passage:—

"It further appears from the evidence that vengeance is more frequently directed against the incoming tenant than against the landlord or an agent; that in some cases prejudices are mingled with the other agrarian causes producing outrage. There can be very little doubt, after full consideration of the whole evidence, that the real original source of agrarian outrage, as well as of most other national disorders that exist in Ireland, is the disproportion between the demand for and the supply of labour, and the gross ignorance of the profitable modes of applying such labour. The price of land, however small its extent, had become the only security for the supply of food, and to lose that security was, in fact, to risk the very existence of the family from which it was taken. Hence most occupiers of land in Ireland have been interested in one common and well understood cause, which, without any expressed agreement, was well calculated to produce amongst them that uniformity of action which is found to prevail in Ireland in resisting the exercise of legal rights."

Some remarkable evidence was given by one of the witnesses, to which I should like to call your attention. It was Mr. Hancock, a brother of Dr. Neilson Hancock to whom I have referred. He had for years been the agent for the estate of the late Lord Lurgan, situated, as your Lordships are aware, in Ulster. I have not, my Lords, at the moment the passage in my hand, but I well recollect it. He gave his evidence before the Com-

mission, and very much in the sense in which Lord Devon refers to it.

Devon  
Commis-  
sion, 1843.

“He said tenant right is the real security for the peace of Ulster. He pointed out that the presence of manufactures in Ulster had, to some extent, lessened the demand for land in Ulster in the sense of not making it the same necessity for the subsistence of the people.”

But he uses this extraordinary language :—

“If there was any systematic attempt to interfere with the tenant right of the tenants of Ulster, I do not believe that there is force enough in the Horse Guards to put it down.”

Again the same man, Mr. Hancock, on the eve of the Land Act of 1870, was consulted—I thought I had the work here—and he said :—

“I repeat with greater emphasis, after a further experience of a quarter of a century, what I said before the Devon Commission, and I say that, having had 30 years’ experience of the management of a large estate in Ulster, upon which crime has been lowest, upon which distress has been lowest, and in which the police force of the district has been lower than in any other part of Ireland.”

Well, my Lords, I have said nothing was done, although much was attempted. I gave your Lordships yesterday the names of some men who made attempts — Sharman Crawford, Lucas, Duffy, George Henry Moore, Isaac Butt, and one name that I had forgotten, which I certainly ought not to have forgotten, for he laboured earnestly and zealously on this question—I mean the late Mr. Justice Shee, when he was in the House of Commons. What was the fate of those attempts ? Parliament crowded with other affairs—the minds of men occupied with matters which they regarded as of graver moment—men did not realise the importance to the peace of Ireland and the contentment of its people involved in this question. The

result was that not one of those attempts was successful. Some of them may have passed the barrier of the House of Commons, but none of them ever issued as law from the House of Lords. I am not making in this case, as your Lordships well know, an attack upon either political party. I am speaking of the general misgovernment of the country, from a want of appreciation of the circumstances of the country, from a misunderstanding of the needs of the country ; and I gladly say that it was an eminent man, and a lawyer of the Tory party, who showed as much foresight and as keen an appreciation of this question as any of the other men to whom I have called attention—I mean the late Mr. Joseph Napier, for many years, as your Lordships will recollect, member for the University of Dublin, a member of the Privy Council in this country, and afterwards, as your Lordships will also recollect, Lord Chancellor of Ireland.

Recommendations  
of Committee,  
1852.

Next in order comes, in giving your Lordships the history of the matter, the recommendation of the committee inquiring into the state of crime in certain districts in Ireland in 1852. I referred to it yesterday. I will not recur to it now. It is remarkable, because that committee was not appointed to consider the Land Question, and the evidence of the official witnesses called before that committee is that the Land Question has nothing to do with the trouble that existed in Ireland at that time. Nay, they go the length of saying that any concession to the Irish tenant class would only create disorder in giving them greater confidence and hope that by perseverance in disorder they may effect greater change. And yet you have there recommendations which I will not again read, of the need for legislation on the question.

My Lords, in 1860, before we come to the Land Act, a retrograde Act, known as Deasy's Act, was passed, at a time when Irish Parliamentary representation stood indeed at a very low and discreditable cbb, for the country had not recovered the shock, the want of faith created by the betrayal of the independent opposition party formed and created in 1852. This was an Act, as every Act passed up to the time of which I am now speaking was passed, to help the landlords, and not, as I shall show your Lordships presently upon high authority, one passed for the protection of the tenant. It turned the relation between landlord and tenant from relation by tenure into relation by contract; it gave certain facilities in the matter of proceedings in ejectment; it recognised and formulated what had been an existing law in Ireland, going back for a long period—a state of law unknown in this country, and, as far as I know, unknown in Scotland, I mean the right of ejectment pure and simple for non-payment of rent. There is no such thing known to our law. Yet it has been the law for years in Ireland. Our law is, that you can recover as for condition broken, if you have a clause of re-entry in your contract; but upon a letting pure and simple of land without that clause (which is the state of things in Ireland) you could not maintain the action of ejectment merely for non-payment of rent.

But, my Lords, I will mention it a little out of date, perhaps the most remarkable Act passed in relation to Ireland on the Land Question was passed in the year 1848. I mean the Encumbered Estates Act. It was supposed that all that was wanted in Ireland was what is called the introduction of capital; that all that was wanted in Ireland was to dispossess, to get rid of an- Encum-  
bered  
Estates  
Act 1848.

cient owners of land who had by their own improvidence and their extravagance, or by that of their ancestors, become wholly overwhelmed by debt, and unable to discharge those duties which are supposed to be connected according to English notions with the ownership of land. My Lords, a more complete misconception of the state of things in Ireland than that Act evinced can hardly be pointed to. For what did it do? I am not denouncing Irish landlords, neither do I wish to confound them in one general body. There are men amongst them who, I doubt not, have struggled under difficulties to do their duty. I believe there are many more amongst them who are suffering less for their own sins than for the sins of their fathers, and from the evils of the system under which they have lived. But what was the effect of this Act? It is hardly conceivable that a legislature in which Ireland was represented — imperfectly, it is true — that a legislature purporting to deal with Ireland should have so misconceived the position as to have passed that Act. For what did it do? It sold the estates of the bankrupt landlords to men with capital, who were mainly jobbers in land, with the accumulated improvements and interests of the tenants, and without the slightest protection against the forfeiture and confiscation of these improvements and interests, at the hands of the proprietor newly acquiring the estate. It was intended, I doubt not, to effect good. It proved a cause of the gravest evil, for it is literally true to say — and there is not one, I think, who will dispute the statement — that amongst the worst cases of landlord oppression in Ireland have been the cases of men who, with their fresh capital, came in and bought these estates, looking

to the percentage of return which they could get for their money—jobbers in land who were not restrained by any feelings—and such feelings, my Lords, did to a certain extent exist—of kindness because of ancient connection between an ancient peasantry and an ancient proprietary house. And I have seen, as my learned friends have all seen, rental after rental of property sold in the Enumbered Estates Court, in which, as an inducement to the intending buyer, were held forth the alleged low rentals at which the property was then let, and the possibility held out to the expected purchaser that he might, by another turn of the screw, raise the rent and increase his percentage return for the land he was buying. My Lords, it is a sad, pitiable, remarkable proof of the utter ignorance which prevailed, I say it broadly and boldly, even among men well intentioned, as to what the needs of the Irish question in this regard demanded.

In 1870 the first Act which gave any protection <sup>Land Act</sup> <sub>1870.</sub> to the Irish tenant was passed. I can deal with it very shortly. It to some extent recognised and legalised the Ulster tenant custom in Ulster, where that custom was shown to prevail; and as regards the parts of Ireland where it did not prevail, it provided that, where by a process of arbitrary or capricious eviction a landlord ejected his tenant, he should be obliged to pay him, subject to the judgment of the county court judge, a certain measure of compensation for the loss of his farm.

My Lords, that that Act was well intended nobody can doubt, but it left the House of Commons stronger and more protective than it returned, for in the House of Lords it was to a considerable degree emasculated. But, as it became law, it, broadly speaking, contained the

provision that I have mentioned. But what it did not do was this—it had no provision against arbitrary and excessive increases of rent. It gave to the tenant, in certain events, chances and opportunities of getting some compensation if he quitted his farm; but I remind your Lordships that the farm is the thing—the holding is the thing—to which the man looks for his support and that of his family, and that he could only get compensation in the extreme and in the rare case where he was willing to give up that which seemed to afford the only means of subsistence for himself and his family.

My Lords, I may pass on without labouring the point, because subsequent commissions have recognised that this Act was absolutely and wholly ineffective for the purposes at which it was aimed. I do not desire to keep referring to the evidence of Mr. Leonard, who expressed an opinion substantially to that effect. I say broadly the number of cases which came under its intended protective provision was small, the compensation considered inadequate, and the general effect, upon the community in Ireland, of a very limited character and extent. But, my Lords, not only did it not provide against arbitrary and excessive increases of rent, it even excluded large classes from its protective provision, it afforded no protection to leaseholders. The tenants and the landlords might contract themselves out of the Act. And in a community, where the basis, upon which all subsequent legislation has passed, has been that there was no freedom of contract between the landlord and tenant—that they were not dealing with one another at arm's length—I need not say that they largely availed themselves of that power to contract out of the Act. Nay, more, as subsequent commissions and subsequent Acts of

Parliament have shown, the landlords availed themselves of those loopholes. Leases were forced upon the tenants wholesale ; contracts were made by which the tenants contracted themselves out of the Act ; and, my Lords, I wish to emphasise this fact, that so little was this regarded as any substantial attempt to deal with the grave difficulties involved in the question, that the Irish members—I mean the section of them which may be said to represent and be in sympathy with the Irish tenant classes—so far from supporting this Bill when it was in the House of Commons, although proposed by the Liberal party, and strongly opposed by the opposite party—the Irish members walked out of the House, protesting that it was wholly inadequate for the real wants of the country.

There is one other provision and one provision only in that Act to which I shall make a passing allusion, and it is this. I have said that compensation was not given except in cases of eviction, which is universally true, and that there was no provision against arbitrary and excessive increases of rent. There is one exception, as I wish to be correct, which I should like to mention, and that is in the case of holdings under the value of £15. There was power if, in the opinion of the judicial tribunal, the rent was exorbitant, to give compensation upon quitting the holding. But again, that word “exorbitant” was construed—I do not suggest wrongly construed—in a way which deprived the clause of all its protection ; for what was “exorbitant” taken to mean ? —The landlord might well say the rent was not exorbitant, because if the tenant in possession had not agreed to pay it, hundreds of others would have been willing to take the farm at that rent, and that therefore it was not exorbitant.

Your Lordships will find this provision again referred to in subsequent Commissions, where it is described as having prevented any general application of the protective provisions.

So far up to the year 1870. During each succeeding year efforts were made at land reform ; but before I pass on, as I have now got the book here, I should like to call your Lordships' attention to what I mentioned, but did not read, namely, the evidence of Mr. Hancock, given originally in 1843, or about that period, before the Devon Commission, in which he says this :—

“I consider tenant right beneficial to the community because it establishes a security in the possession of land, and leads to the improvement of the estate without any expenditure of capital on the part of the landlord. It is very conducive to the peace of the country, for almost every man has a stake in the community, and is therefore opposed to agrarian outrage as well as riots. The laws are more respected. There are none of those reckless daring men who are ready for any deed, under the consciousness that their situation cannot be worse. The liberty of the subject is more respected, and imprisonment has greater terrors, from the fact that almost any tenant can obtain bail for his future appearance in court, or for his future good behaviour. The landlords are compelled to recognise the tenant right, as, in several instances in this neighbourhood, where they have refused to allow the tenant right, the incoming tenant's house has been burnt, his cattle houghed, his crops trodden down by night. The disallowance of tenant right, so far as I know, is always attended with outrage. A landlord cannot even resume possession to himself without paying it. In fact, it is one of the sacred rights of the country which cannot be touched with impunity, and if systematic efforts were made amongst the proprietors of Ulster to invade tenant right, I do not believe there is force at the disposal of the Horse Guards sufficient to keep the peace of the province. And when we consider that all the improvements have been effected at the expense of the tenants, it is perfectly right that this tenant right should exist ; his money has been laid out on the faith of that compensation in that shape.”

My Lords, I said that, having given that evidence in 1843-44, Mr. Hancock appends to it this note in 1860 :—

“ My evidence in 1844 was prepared under the advice and with the concurrence of the late Lord Lurgan, a warm and true friend of Ireland, who was for 25 years in the possession of his estates, and as a resident landlord devoted much time and money to their development. The evidence was well and cordially received by the tenants, and I now confirm the same after 25 more years’ experience, thus giving a continuous history of nearly 50 years on an estate in Ulster managed to the satisfaction of landlord and tenant, in which tenant right, peace, prosperity, and progress prevailed, on which all religions have ever been treated with perfect equality and respect, and on which the police force numbers less than half the average stationed throughout the country.”

In this same volume, and in reference to the Act of 1870, which was then in course of preparation, I have to call your Lordships’ attention to a very remarkable piece of information. The Government of the day were preparing for their legislation, and they were anxious, of course, to have the best information and guidance which experience and figures would give them, and accordingly there was submitted to Dr. Neilson Hancock a number of questions. One of those questions is this :—

“ Can any, and, if any, what relations be traced, county by county, or district by district, between the number of evictions and the number of agrarian outrages, of threatening notices, or of other indications of a like nature ? ”

And his answer is this :—

“ The most important relations between the number of evictions and the number of agrarian outrages and threatening letters is that shown by the numbers of each from year to year, as presented in No. 1 diagram, founded on the statistics of all the counties. The correspondence in the general character of the curves is very obvious and remarkable, the curve indicating murderous offences

being founded not on a large average, but on individual cases, is naturally more subject to sudden variations than the other curves."

And, my Lords, in that diagram which is annexed to this printed answer is a line representing evictions, a curved line representing the threatening notices, a curved line representing murderous offences, and the general coincidence which Dr. Neilson Hancock points out, is indeed most remarkable. He is further asked, or the question is further asked, in relation to the effect of the Ulster tenant right customs, and he points out that in Ulster, in certain defined counties—Derry, Antrim, Down—the tenant right custom has almost grown into the strength of law; that in the remaining counties of Ulster the claim of tenant right is made and generally recognised, not invariably; and he sets forth a remarkable series of figures showing that in the counties where this right is recognised as having practically the force of law, crime is less, prosperity greater, and in the counties of Ulster, where it is generally, but not invariably, recognised, the figures of crime are greater.

This is a volume which is, of course, at your Lordships' disposition, or at the disposition of my friends, if your Lordships desire it. It is a document printed by the Queen's printers, and compiled for the information of the then Ministers of the day. Of course this is an authentic record of the views of a man of very wide experience on this question, as upon any question relating to the economic condition of Ireland.

## VI.

### DISTRESS IN 1879

Now, my Lords, I come to what I conceive to be the <sup>State of</sup> <sub>things in</sub> most important part of this case, the state of things <sub>1879.</sub> in 1879, when the Land League was established; and if I am able to show your Lordships (and I shall rely only, or almost entirely, for my present purpose, on governmental or other reports of that nature), if I am able to show your Lordships that the state of things in point of actual distress was grievous, the pressure on the small farming class—I am speaking principally of the west and south—of an intense character, so intense that the credit, upon which in previous years they had practically lived, of the shopkeepers in their neighbourhood supplying them with food, was withdrawn; if I show your Lordships that the year 1879, following the two bad years of 1877 and 1878, was the worst year since the famine of 1846, showed the lowest percentage of marriages, and the highest percentage of deaths,—I think I shall have disclosed to your Lordships a state of things from which this conclusion is inevitable; that either there was need and justification for a strong, open combination of the tenant classes, for their own interests, standing side by side, the weak and the strong together, or that, if there had not been that strong combination, there would have been a repetition on a larger and more

grievous scale of the incidents of the tithe war of 1832 and 1835, a sporadic warfare over the whole country, or the greater part of the country, and constant, serious, and bloody conflicts with the forces of the Executive. I have said that the years 1877 and 1878 were bad: I shall prove them presently by figures to have been so. I have said that the shopkeepers withdrew their credit: I shall prove that by the governmental reports.

People who took a superficial view of things at this very time, people ill informed, are found to point to the fact that even in some of these distressed districts the deposits of the savings banks and the local banks had increased. My Lords, the same thing had occurred in the famine of 1846. Nor is the reason far to seek. They were not the deposits of the small wretched struggling farmers, but were the deposits of men who in the more prosperous and healthy condition of things were embarking their money in trade and cattle-dealing and shopkeeping, and lending out their money to the people of their neighbourhood, advancing provisions, lending out money; but once trade is in this way checked, once the sense of insecurity becomes widespread, immediately there is a withdrawal of this diffusion of capital, and it must find its resting-place somewhere. That was the state of things in 1879.

My Lords, side by side with that, what was the state of things with regard to landlord action? Just as, following the famine years, ejectments multiplied, and threats of ejectments, so it was in 1879, 1880, 1881, and 1882. I shall give your Lordships the figures presently. I have said already that it is not any part of my purpose to pass a wholesale condemnation upon the landlords. They suffered—unquestionably they suffered. They, either from want of appreciation of their duties,

or from want of means to enable them to fulfil their duties, or from a combination of both, certainly played neither a patriotic nor a generous part, and if it were necessary to make a contrast, I would refer your Lordships, for it is common knowledge, to the mode in which English landlords met their tenants; for the depression which existed in Ireland, and which was felt in great intensity there, was felt in England too; felt by landlords and by tenants alike, but met in England by a just appreciation on the part of the landlords of the position; by reductions over the length and breadth of the land, reductions greater even than the forced reductions afterwards obtained through the instrumentality of the Land Courts; and a reduction, my Lords, in England of 25 per cent is certainly the equivalent of at least a reduction by an Irish landlord of 35 to 40 per cent. The English landlord still has to have his hand in his pocket, even with the smallest of rentals. But in Ireland the landlords, partly from necessity, partly from want of generous consideration, continued to press their tenants. I am speaking of them as a body, and I say they did not meet the necessities of the case in any proper spirit, or until the pressure of agitation forced them to do so.

Your Lordships will, of course, understand I am speaking of the body as a class—I do not mean to say that there were no exceptions.

May I, before I read these reports, put one view to your Lordships in relation to this question? There are three interests which directly depend upon and are concerned in the cultivation of the land. There is the labourer who works on it for his daily wage; there is the farmer who cultivates it, and who employs the labour on it—in Ireland those two are commonly the

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same, and there is the landlord who gets his rent for the occupation of the land by the tenant. If one of those three classes must go to the wall, which is the last that should go to the wall? My Lords, I say the labourer, for he is dependent on his daily wage to put food into his own mouth and into the mouths of his children. He must have his daily wage for his daily work. It may be a reduced wage, but he must have his wage. Who comes next in order? The man who tills the land—the man whose labour and expenditure upon it in the shape of labour is necessary to its production. He is only one degree removed from the daily labourer, and in the case of Ireland and in the case of the greater portion of the small farming classes he is in fact by himself and his children, the labourer on the land who, ordinarily, in other conditions would be the daily wage receiver. My Lords, at the bottom of this whole question, in the ordinary just conception of Englishmen, of Irishmen, ay, and of men all over the world, there is—I care not about the so-called sanctity of contract—there is this principle—that rent, that the true economic rent, is a fair proportion of the surplus proceeds from a given farm after the daily wage of the daily labourer has been paid, and after there has been at least decent sustenance for the man, who by his own hand and the hands of his children tills the land, and by his labour gives it its productive power.

My Lords, that has not been the view taken or acted upon by Irish landlords, or the view until of late years taken by the Irish tenants. The result is that the Irish tenant has been, broadly speaking (I am now, of course, referring to the smaller class of farmers who most need protection), reduced in his surroundings of house, of clothing, of food, to a sordid condition, to a

condition such that his class has been described, and truly described, as the worst clad, worst fed, and worst housed on the face of the civilised globe.

Now, my Lords, there is in Ireland what is called the Local Government Board—an official, governmental, non-representative board—and I call your Lordships' attention to the reports of that body. First of all, the annual report from the central authority in Dublin, dated the 17th April 1880, and therefore conversant with the state of things in 1879. My friend, Mr. Asquith, reminds me it may be convenient if your Lordships will identify it as the eighth report under the Local Government Board (Ireland) Act, 35 and 36 of the Queen. I may, in passing, show figures as to the relief in workhouses being greater in 1879-80 than it had been in 1878-79. Greater in 1877-78 than it had been in 1876-77, showing an increase in each of those three years 1877, 1878, and 1879. The same as regards the average daily number; as regards outdoor relief the same: the number relieved greater in 1877-78 than in the previous year: the number in 1878-79 greater than the previous year: the number in 1879-80 greater than in the previous year.

“In our report for 1878 we were called upon to report a change in other directions, the average daily number of inmates being 1441 more than in the preceding year, attributable, as we then observed, to the indifferent harvest of 1877, and to the inclemency and wetness of the subsequent season. In our report for 1879 the average daily number showed an increase of 3318 over that of the preceding year, and in this report the average daily number of inmates shows a figure of 3952 over that of last year. The outdoor relief average for the year 1879 was 2727; the average for the present year is 3355 over that of last year. The following is a comparative statement of the relief offered, indoor and outdoor: February 1880, 59,000; 1879, 53,000; outdoor in 1880, 57,000; in 1879, 42,000:

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total, 117,454 ; in 1880, 96,162, or an increase of 21,000 odd in the latter year. This increase in the numbers relieved does not, however, indicate the full extent of the distress which has prevailed throughout the greater part of Ireland during the past winter. The poor in many districts have been supported and provided with clothing and bedding from funds supplied by the Committee of the Duchess of Marlborough's Relief Fund, by the Mansion-House Committee, and other charitable sources. During the month of August last unfavourable reports reached us as to the state of the potato crop and the supply of turf throughout Ireland, and with the view of obtaining information on the subject, we directed our inspectors to report to us on the state of the potato crop, the general harvest, the sufficiency of the supply of turf saved by the peasantry for their wants during the winter and spring, and on the condition and prospects of the poor in their respective districts. From this report, which will be found in the appendix, it appeared that the potato crop was almost everywhere deficient in quantity, inferior in quality, and affected by blight, and that upon the whole there was not more than half an average crop."

Your Lordships will find that this was a considerable over-estimate.

"That the general harvest was inferior, and that the crops, with the exception of the oat crop, which was good and plentiful, were generally deficient and below those in the previous year. The supply of turf everywhere was found to be insufficient, and much suffering was anticipated from want of fuel."

Your Lordships may perhaps not realise what that means. It does not mean scarcity of turf, but it means that there was such inclemency from the wet season that it was impossible to dry it—causing a want peculiarly felt in the extreme west of Ireland.

"In regard to the prospects of the poorer classes there was every reason to apprehend that there would be great distress in certain districts and an increasing demand for relief owing to the partial failure of the potato crop and the scarcity of employment, for farmers were reported to be unable to pay for labour in consequence of their straitened circumstances, occasioned by the low

prices obtained for cattle, and by the stoppage of their credit, and many of them were found to be already deeply in debt to money-lenders and shopkeepers."

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Then they proceed to a number of considerations which I do not think I need trouble your Lordships with at this moment. But they deal with the parts of the country as to which they apprehend the most grievous distress, and I would draw your Lordships' attention to the position of the counties which are specially named therein at page 11.

"We were thus always cognisant of the extent of the poverty and of the condition of the inhabitants in the distressed districts as well as of the action of the boards of guardians in discharge of their important functions. These special reports contain so much interesting information as to the state of the country that we should have been glad to publish them all in the appendix, but finding them too voluminous, we have selected one report relating to each union in the counties of Clare, Donegal, Galway, Kerry, Mayo, and part of West Cork, which may be considered to comprise the poorest parts of Ireland, as well as a report of the islands on the west coast of Galway and Mayo, and we annex extracts therefrom representing the condition of the poor in those localities at the commencement of this year, omitting such portions of the reports as had reference merely to matters affecting local administration. Early in February the mode of administering relief met with further consideration from her Majesty's Government, and a Bill was prepared empowering our board to issue orders in certain cases, authorising boards of guardians to administer relief in food or fuel for a limited time."

I do not think I need trouble your Lordships with that, as I have to refer to the Relief of Distress Act in a moment or two in another connection. Then later they say:—

"That there has been much suffering and exceptional distress in many parts of Ireland is an unquestionable fact, but we are

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glad to be able to state that privation did not reach starvation in any union, and having caused careful inquiry to be made by our inspectors into every case in which it was alleged that death had been occasioned by want,"—

I call your Lordships' attention to this observation "we *usually* found that it had resulted from other causes which were clearly ascertained."

Then they proceed to give statistics, also under the head of emigration, showing an increase in 1879 over 1878 ; showing an increase in 1880 over 1879 ; and as regards admissions to the workhouse during the last year (that would be 1879), ending the 29th of September, we find the total number given, 304,069 in the year 1879, as against 248,102 in 1878, and as against 198,831 in 1877, and as against 182,749 in 1876. The same as regards outdoor relief. The same as regards night-lodgers or casuals. I do not think there is anything else in that to which I need call attention.

Now, as to the local reports which are referred to there, I do not know whether the way in which these gentlemen report the distress will affect your Lordships' minds as it affects mine. One is the report of a Dr. Roughan. That is County Galway.

Galway.

"A great diversity of opinion," says he, "exists as to the extent to which distress prevails, some maintaining that it is very severe, and that if people in various localities had not been relieved from charitable funds, they should have either come into the workhouse or have perished from want. Distress exists to a large extent in the Ballinasloe and Creagh dispensary districts, but it is being mitigated to a great extent by public charity, and by works which are in operation on Lord Clancarty's property."

Your Lordships have heard of no crime or outrage on that property. Then he mentions certain other persons who are in other districts employing labour, namely,

Lord Ashton and the Rev. Sir William Mahon. I mention their names merely to remind your Lordships that theirs are not cases in which outrages are alleged to have taken place upon and in relation to their property.

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Dr. Roughan reports in relation to Galway, and in relation to a part of Galway where there was a witness who has been more than once referred to, of the name of Robinson, who was the subject of some outrage.

“Among the many circumstances which have combined to impoverish this union, a very important item is the cessation of the ‘kelp’ trade along the sea-coast. For many years past the preparation of this weed, largely used in the manufacture of iodine, has been the source of employment to a large class.”

Then he proceeds to show how that industry had gone, and continues thus:—

“The potato crop is below the average, and, as in every other union, there has been a great depreciation in the value of stock, but it is to the large graziers that this has been most disastrous, and not the very poor peasantry, who are mainly dependent on their supply of potatoes and their exertions at the English harvest.”

In that connection may I mention that Dr. Neilson Hancock, pointing out the effect upon the demand for Irish labour of the agricultural depression in England, states to the Statistical Society (I will give your Lordships the reference in a moment) that the loss to the labourers or small peasants of Connaught alone, from the lessened demand for labour in England, was in that year, 1879, calculated at not less than £250,000 ; that is, to the people of Connaught only, not including other districts.

“It is among this latter class that destitution is most likely to be felt” (that is to say, amongst the class who mainly depended

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upon the work of the English harvests), "but that actual distress at present exists is not the case, and I may mention that Clifden has recently been visited by representatives of English newspapers, who, being wholly unacquainted with the normal condition of the people, were astonished at the state of their dwellings and general surroundings. Hence all sorts of rumours are rife, on which too much reliance must not be placed, but to-day's fair afforded me an ample opportunity of observing that the peasantry were warmly clad and evinced no signs of hunger or want. The coming spring, however, it must be admitted, will see a large section of the people in very straitened circumstances, arising from the causes before referred to, and aggravated by their heavy liabilities with the tradespeople, and the attitude they have elected to adopt towards the landlords. On their liabilities I need not enlarge; the same state of things exists to which I have alluded in the other unions; but with reference to the position they hold towards their landlords, I regret to say that the union is the theatre of almost daily acts of violence." That is Clifden. "No rent has been paid, though it is well known that a portion of the tenantry would be willing to pay if they dared, and it is questionable whether this class will be able to retain the money in their possession until they find that payment is enforced, the temptation to spend it being great. Several of the landlords appear to have been anxious to meet the emergency in a fair spirit, and much employment has been given; but, notwithstanding this, they are subjected to every kind of intimidation, and to overt acts of defiance, and thus the country is the scene of much dissension; the landlords, finding their authority repudiated, appear determined to adopt, if necessary, rigorous measures, and some of the agents, I am informed, are instructed to issue ejectments forthwith, while, on the other hand, the peasantry show every inclination to resent the enforcement of the law to the utmost."

Then Dr. Roughan, speaking of Galway, says:—

"I have also during the last ten days made personal and other inquiries in different parts of the union, and have no doubt that the general condition of the poor, especially the cottiers, labourers, and artisans, is in a very much worse state than it has been since 1850. . . . The labouring classes are now entirely without employment, and the small householders and roomkeepers living in the

town of Galway and the various small villages in the union, are suffering intensely from the want of fuel; it is difficult to understand how they are able to bear up against it. The country people have many resources that are not within the reach of those living in towns, and I observe no likelihood of any organisation being made by charitable persons for forming a coal or fuel fund. The want is so extensive that it is felt that private charities could not cope with it. The prices of provisions fortunately are not high, fairly good potatoes can be bought at four shillings per cwt., and so on.

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He reports also from the Glenamaddy Union, and says:—

“Although severe distress exists in different portions of the union, yet nothing like general want exists. I have been informed that there is a large amount of potatoes in the union, carefully stored up for sale.”

Then from Gort Union he reports:—

“I regret to say that much distress is felt by the families of able-bodied labourers, and of small farmers holding indifferent land, from a rood up to five or six acres, and rented at from £3 to £8 per holding. Up to this time they have potatoes, and as well as I can ascertain the supply will not be exhausted before March.”

He is writing at the end of January, so they have a month's supply.

Then he writes of the Mount Bellew Union, also in Galway:—

“No doubt distress, consequent on a partial loss of the potato crop and the stoppage of credit, does exist in many localities among the cottiers and labourers holding from one rood to two acres, but up to this time all have been relieved from various charitable sources.”

I will presently tell your Lordships what they were.

Then from Ballinrobe, of which your Lordships have

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heard in the course of this inquiry, Mr. Robinson writes :—

“The extreme poverty of the people in the several townlands of the parish of Rosmuck, which was the scene of my recent inquiries, was a lamentable illustration of how people can live with no visible means of subsistence, and this in the townland of Camuss, was mainly noticeable.”

Then he refers to the loss from the kelp trade :—

“A great part of the Rosmuck parish I am therefore convinced must henceforward, for some few months each year, be in actual want.”

Writing from Portumna Union, which is near the Clanricarde and Loughrea district, which your Lordships have heard about, Dr. Roughan says :—

“As far as I can learn, very little distress exists in this union beyond that usually existing at this time of the year”

(he treats it as a normal condition of things),

“except among the labourers resident in towns and villages without employment, and some small farmers living on patches of land in the mountany districts. There are, of course, very many small farmers who hold a few acres of bad land, in an embarrassed condition ; their supply of potatoes will be soon exhausted, and, if they are to be believed, they have, they say, neither money to buy nor credit on which they could obtain either meal or flour.”

Then he refers to some works at Meelick, on the Shannon, where some employment was given.

Then from Tuam he writes, speaking of a sum of money which had been received for distribution by local committees :—

“The general opinion seemed to be that much distress existed among the families of small farmers, cottier tenants, and able-bodied labourers, but it was admitted, without contradiction, that up to this time no dire want was felt, beyond that experienced in former years”

(he is speaking of the normal condition of things),

“except in individual cases, and among the labouring classes residing in the small towns and villages in the union. There is still a large quantity of potatoes in the county, and plenty of turf, and if the peasantry were not in debt from past years, and had not lost their credit with banks and shopkeepers, they would be able to tide over their approaching difficulties.”

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Then as to Kerry, in the Cahirciveen Union, including Killarney, Mr. Power, who is the reporter in this case, says :—

“From what I could gather from collectors, relieving officers, guardians, etc., and also from personal observation, I should think there is a considerable amount of distress in this union. The workhouse, however, does not show any large increase in numbers.”

I need not mention, I think, what is well known probably to your Lordships, the great and marked disinclination which the Irish poor have to going into the workhouse, and the operation of the law known as the Gregory Act, by which they cannot get relief or admission to the workhouse if they hold more than a quarter of an acre of land unless they surrender it. He speaks then of the relief from the Duchess of Marlborough Fund. He says :—

“No applicants appeared at the meeting of the board which was held in the court-house, but a large number of applicants for relief on meal tickets provided by the Duchess of Marlborough’s Fund besieged the court-house. Their appearance, I may state, as a rule, was extremely miserable, and the eagerness to obtain relief was very marked. Some of the women, I ascertained, had walked thirteen miles to obtain relief for their families, though I should say the principal part belonged to the town. . . . I was told that considerable distress existed at Portmagee and Valentia Island, and other sea-coast districts about Cahirciveen at present. . . . Glenbeigh dispensary district is also in a distressed condition”

(that is one of the scenes of a number of evictions

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which attracted a good deal of notice, being one of the poorest parts of the union),  
“though nowhere, as I can gather, is actual starvation to be apprehended.”

Then as to Dingle, the reporter, Mr. Bourke, says a turf famine is apprehended. This is a different union, the Dingle Union. He goes on to say:—

“In portions of the eastern part of the union the want of fuel and the very great difficulty of procuring it is as great as in the district of Dunquin. I pass now to the question of potatoes. The time is fast approaching when the poor will have consumed all that the late wretched harvest vouchsafed them in this particular. Tales of the people re-digging their tillage in order to find any potatoes left behind in the first instance come from reliable and authentic sources, and if the relieving officers speak the truth there will be, when the seed time comes on, such a want of seed potatoes as difficult to know how to meet as it is alarming in its earnest of future privation and distress.”

In other words, that they would have to eat their seed potatoes.

“If it has been my duty to report a want of employment, a poverty in the supply of fuel, and a great and growing distress amongst the people in my district, I feel that, grave as the consideration of these matters may be, they dwarf before the contemplation of the poor becoming unable to make that all-important provision for the future, namely, in sowing that crop which is the staple of their existence. In the union of Dingle the tale comes that the people are eating their seed potatoes, and unless private charity comes to assist them in the spring, I feel that a possibility exists that the want of 1880 may become the famine of 1881.”

He then says (and it is proper to read it):—

“It is right to say that the resident gentry are for the most part fully alive to the gravity of the situation, and are taking some steps to import some\* of the Scotch champions into the country.”

From Killarney another gentleman, Mr. Power, in this instance takes a more hopeful view. He says:—

“From what I hear I do not apprehend that at present serious distress exists in this union, and the opinion seems to be that with a little assistance the people will be able to get through the present bad times.”

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Then as to the Listowel Union, which has also come into this inquiry.

“It will be gathered that the numbers applying for relief at this time at Listowel” (writes Mr. Bourke) “are not excessive. But, as in all unions where no outdoor relief is given, the real condition of the poor is not fully revealed until their very last potato is exhausted, and their very last sod of turf consumed; and as the great majority of poor families in this union have not yet, and will not till the end of the month, reach this point, I fear that the prospect in the future is not so bright as might be wished, and it may yet become my duty to report that the union of Listowel is in an exceptionally destitute condition.”

He winds up thus:—

“Gentlemen, you are aware that the potato crop of this district was very small and very bad last year; so bad that many small farmers and quarter-of-acre labourers will not have potatoes in any way fit to put into the ground next spring, and I have thought it right to warn the Local Government Board that, if another wet season is before us, the condition of the people in these parts will next year pass from the realms of want into the throes of famine and starvation.”

Again, my Lords, this is from Mr. Bourke as to the Tralee Union, dealing with a district your Lordships have heard of before—Castleisland:—

“In one matter, however, the relieving officers concur, namely, that there is a general want of fuel all through the union, and I have found, in driving through the districts round Tralee, that many of the cottages have not stacks of turf at all, and even those who have some turf have not nearly sufficient for their requirements during the winter. The district of Castleisland is the worst off in this respect, and they want also for potatoes and employment by which to gain a livelihood. In Ardford and its environs the potatoes were not by any means a bad crop this year, the people

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there having special facilities of manuring their land by means of the seaweed which they collect. . . . In the town of Tralee itself, I think a considerable amount of distress will appear, for the people have to look entirely to their earnings for their support. . . . There is no outdoor relief, or hardly any, given in this union ; and I must say I think this is carrying the matter a little too far, for there must constantly arise in a population of 50,000 cases in which a little relief would enable a family, the head of which is for the time incapacitated from work, to tide over their distress."

Mayo.

Now I go to the county of Mayo. I, of course, am selecting only those districts to which your Lordships will understand attention has been drawn. I might amplify this.

"Ballina Union. As I anticipated in my previous report" (that apparently is not given), "little or no change is up to the present perceptible in the condition of the peasantry, and, except among the labouring classes, who are without employment and have neither stock nor potatoes to fall back upon, I see few signs of actual want or suffering, nor do I think that as yet the necessity has arisen among the small tenant farmers to have recourse to further applications for credit from the tradespeople."

This is Mr. Robinson, who takes apparently a more hopeful view, and who is the only one, I think, who refers to League agitation.

"Hearing that several remote districts beyond Crossmolina had been chronicled in the local newspapers as the seats of much hardship and privation, and as it was reported to me that many of the people residing there were consuming their seed potatoes, I visited the locality on Saturday and Sunday, and found that there was no foundation whatever for the rumours which had gained credence concerning them. But it is a generally accredited fact that the poorer class of farmers reverence to such a signal degree, and place such an implicit reliance upon any statements that appear in print, that when they find their condition described as being worthy of so much commiseration, they allow themselves to believe that their situation is as hopeless as it has been depicted, and I think to this fact may be ascribed the difficulty there is in acquiring from

the peasantry any information regarding themselves which may be accepted as really reliable. But actual distress or suffering the physical appearance of the people would at once betray, and thus it is no very difficult matter on visiting them to ascertain at a cursory glance the way they are circumstanced." Report of Local Government Board, 1881.

This gentleman apparently supposed that there was no real distress and privation. Mr. Leonard described to your Lordships the state of things when, in answer to a question from me, he said, "Yes, they suffered ; many of them were blue from hunger." Mr. Robinson does not seem to be particularly sympathetic. I wish to read this, my Lords, in order that you may see what is the fair and general result. Speaking of the Ballinrobe Union, he says :—

"The cattle command a reduced price ; the potato crop is below the average ; the receipts from the English harvest were disappointing ; and the implied want of fuel is really applicable only to the mountainous districts ; credit has been given as freely and debts contracted with the same readiness, and the same obliviousness to the future here, as elsewhere ; and all the circumstances must, before many months have elapsed, combine to effect a considerable amount of distress. There is a wide difference, however, between distress and famine, and while a pressure for relief from the poorest classes may without much foresight be prognosticated, it will not be so general this year, or so alarming as the visions which are being conjured up by local agitators would lead one to believe. I cannot but think that the most serious want will be the lack of means for laying down the crops. At present the landlords do not appear to be enforcing full rent except where the ability to pay is undoubted ; and, as in several instances the people have wholly repudiated as yet any claim upon them for this, they are many of them possessed of money ; but as credit is almost a thing of the past, I apprehend that this ready money will be in a great measure exhausted when the time approaches for the purchase of the necessary materials for sowing the seed. And should these apprehensions be verified, an amount of suffering must next winter be anticipated, for the people will not have extricated themselves

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from their pecuniary embarrassment, and where this year the crops were bad, next year in the large proportion of cases there will be no crop at all."

In the Bellmullett Union he calls attention to a special difficulty — to a disease among the pigs which was prevailing ; and the same gentleman, writing of the Castlebar Union, says :—

"With the exception of Ballinrobe" (which your Lordships have also heard of), "the tenant farmers in this union are better circumstanced than those in any other of the Mayo unions I visited. But it must not be inferred from this that, although they are better circumstanced, they are not as heavily involved in financial difficulties as their poorer neighbours ; for a farm of four or five acres never can support a large family if, like at the present time, all extraneous resources have failed and credit is withdrawn."

This is the gentleman whom I have called the unsympathetic inspector.

"Nor is it right to ascribe one of the causes of the present insolvency of the small tenant-farmers to their extravagance in dress. The poverty of the clothing and surroundings of the Irish peasant is proverbial as being far below the standard of the peasants in any other part of the United Kingdom. And if in the process of time they make an effort to rise out of their normal state of rags and squalor, it should rather be accepted as an index of the advancement of civilisation than as an illustration of unfortunate improvidence."

Then, a little later, having made an exception of Ballinrobe as being very badly off, but the rest not being so bad, he winds up thus :—

"The people in most instances have enough potatoes to last them for some weeks."

This is dated January 1880.

In reference to the Killala Union, writing from

Ballina, which your Lordships have also heard of, he says :—

“ I need not recapitulate the various circumstances that have tended to impoverish the people, as I have fully enlarged on them in regard to other unions, but there can be no doubt there will be a great deal of poverty between February and the end of July, as the credit upon which the poorer classes were wont to rely during these months is in a great measure withdrawn, and the harbour does not afford the shelter that will be required for the class of boat that could pursue a fishing avocation with security ; added to which, there appears to be little or no demand for labour. A succession of exceptionally good years would go far towards reinstating the small tenant farmers in the position they once held, and it is more than probable that the warning the tradesmen have experienced will have the effect of checking the wholesale system of credit that has proved so pernicious to the country ; but the prospects of a rich harvest are not very encouraging, as there will be great difficulty in procuring the means of laying down the crop.”

Then as to Westport, from the same gentleman, there is a report to the same effect ; and a Mr. Armstrong from the Swinford Union reports a large increase in the distress during the last month. From the Westport Union a like report. From Kenmare the report says :—

“ From the information I can get I should say that there is a good deal of distress amongst the small farmers.”

This is put erroneously under the head of Cork, but I ought to know Kenmare is in Kerry.

“ There is a good deal of distress among the small farmers, who are unable to obtain outdoor relief.”

That is for the reason I mentioned.

“ There is no employment in this district for the labouring classes, there being few landlords, one of whom, I believe, owns two-thirds of the union, but none give employment. . . . As employment seems to be out of the question at present, I fear there

Report of  
Local  
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Board,  
1881.

Report of  
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1881.

may be distress amongst the small farmers during the next two or three months, but at present I do not gather that it is of a serious character."

Skibbereen is the next. From the Skibbereen report there seems to have been a good deal of distress at Drumleague, which is a place your Lordships have also heard of. From the Skull Union the same.

"Altogether there is no doubt that there is a good deal of distress in this district, but as yet it has not compelled the people to come into the house, and I think they will remain out as long as possible, especially when they can get a little help from charitable sources."

Then, my Lords, there is an extraordinary report of the condition of things in the Oughterarde Union, Clifden, Westport, and Newport, and of the group of islands in Kilkerran Bay. The writer, who is the same Mr. Robinson, speaks of the existence of these people as a problem.

"For no one could venture to assert that the scattered patches of sponge bog around which some half-dozen cabins with their swarming families are gathered could ever be the means of affording them a livelihood."

But he says :—

"Although their physical appearance gives sufficient indication that they are not in immediate want, there is no doubt that when the present resources are exhausted, their embarrassed position will preclude them from all further advances."

Speaking of a portion of Clifden, he describes the houses in one of the islands :—

"The houses were bare and empty, and the clothing was scant and ragged. Many of the children, indeed, had nothing on whatever, except an old red pocket-handkerchief or a patch of flannel pulled over their shoulders ; and no better criterion of the genuineness of their want could there be than the pale and emaciated appearance of some of the women."

My Lords, I might pursue this subject, but you will see, I think, I am justified in asserting that these reports describe, speaking generally, a state of things pointing to great actual want in some districts, and tending to a condition of things on the very verge of actual starvation. And, as my friend is good enough to remind me, this official account accords with — perhaps is found stronger in — the evidence of some of the witnesses who have been called on this point. I will refer your Lordships in this connection to the evidence of Constable Irwin, which will be found at pages 441 and 442; of Mr. Ives, the London correspondent of the *New York Herald*, at page 579; of three small farmers, called Joyce, Hoarty, and Cronin, at pages 639, 657, and 750; of Hughes, at page 676; of Mr. Leonard, the agent for the trustees, amongst others, of Lord Kenmare's estate, at page 595; of Mr. Hussey, at page 1270 and 1279; of Cole, of the Royal Irish Constabulary, at page 1573. These are some. I can give your Lordships, with the assistance of my friends, no doubt, a great many others.

There is a report also, which is the ninth report of the Local Government Board, published in, I think, April 1881, and which, therefore, deals with the state of things in 1880.

Report of  
Local  
Govern-  
ment  
Board,  
1881.

The general tenor of the local reports upon which it is based is this—it speaks of an improved condition of things owing to a good harvest which occurred in that year, 1880, and Mr. Burke, who was one of the reporters, probably gives the general view correctly. He says :—

“The condition of all classes of the poor has been largely ameliorated by the success of the crop and the abundance of fuel; and though the effects of the last few years of scarcity have not been removed, and the circumstances of the farming and labouring

Evidence  
of Times  
Witnesses.

classes are still straitened, they are no longer alarmingly crippled, and stand in no need of exceptional assistance."

And I think I may say generally, without troubling your Lordships with reading the whole of the reports, that that is a fair indication of their general tenor and purport, and I therefore will not trouble you by reading them at greater length.

## VII.

### STATE OF IRELAND IN 1879

Now, my Lords, at this time another important inquiry was going on. Its history is remarkable. It is the inquiry at the head of which the late Duke of Richmond was placed, under the Royal Commission. It was not originally intended to embrace apparently any inquiry into the condition of Ireland at all. It was a commission appointed to inquire into agricultural depression, called the Royal Commission on Agriculture, and as it was originally framed there was not any person upon it supposed to represent what one may call the Irish branch of the question. On the commission were the Dukes of Richmond and Buccleuch, Lord Vernon, Sir William Stephenson, Colonel Kingscote, Mr. Henry Chaplin, Mr. Napier, Mr. Paterson, Mr. Bonamy Price, Mr. Ritchie the present President of the Local Government Board, Mr. Rodwell, Mr. Stratton, and Mr. Wilson. But, my Lords, so great was the attention drawn to the state of things in Ireland, that a kind of supplemental commission was appointed in order to comprise within its inquiry the state of things in Ireland. And to the commission, therefore, were added Lord Carlingford, Mr. Stansfeld, Mr. Mitchell Henry, Mr. Joseph Cowan, Mr. John Clay, and Mr. John Rice, and this newly-formed commission, or this commission as reconstituted, ap-

Richmond  
Commis-  
sion, 1881.

Richmond  
Commiss-  
sion, 1881.

pointed sub-Commissioners to inquire and to report to them, and those Assistant Commissioners were—Mr. Thomas Baldwin and Mr. C. Robinson. And, my Lords, I would first call your attention to the preliminary report of the commission itself, dated 14th January 1881. I am reading it out of date, but it refers back to the period I am dealing with. The report says:—

“The evidence now presented is all that we have hitherto taken, but it does not complete our inquiries. Under ordinary circumstances we should therefore have deferred submitting the same to your Majesty, but the aspect of public affairs in Ireland has induced us to lay before your Majesty the whole of the evidence which we have collected, and at the same time to submit a statement of the conclusions to which we have arrived, upon that portion of the evidence which relates to that part of the United Kingdom.”

And then it points out the admitted and conspicuous difference between the relations of landlord and tenant as they existed in Ireland and in England and Scotland.

“It seems to be generally admitted that the most conspicuous difference between the relations of landlord and tenant, as they exist in Ireland and England and Scotland, is the extent to which buildings are erected, and the improvements are made by the tenant, and not by the landlord.”

Then later in the report they go on to say:—

“In common with the rest of the United Kingdom, the agricultural depression of the years 1877, 1878, and 1879 has greatly affected Ireland, and has been to some extent increased in that country by the absence of manufacturing industries and other sources of employment. There is no doubt that the depression has fallen with extreme severity upon the small farmers. We have, therefore, reason to fear that a very large proportion of these farmers are insolvent, and it is stated that the bountiful harvest of this year has alone prevented their entire collapse.”

The date of the report becomes important—it is

written in 1881. Here is the statement of gentlemen of high honour and position, but certainly not representative of the tenant class, nor members of the Land League in Ireland, and this is their emphatic judgment :—

“We have, therefore, reason to fear that a very large proportion of these farmers are insolvent,”—

they are speaking in 1881—

“and it is stated that the bountiful harvest of this year has alone prevented their entire collapse.”

That is, the harvest of 1880.

“With respect to the very small holders in the western districts of Ireland, we are satisfied that with the slightest failure of their crops they would be unable to exist upon the produce of their farms, even if they paid no rent. Many of them plant their potatoes, cut their turf, go to Great Britain to earn money, return home to dig their roots and stack their fuel, pass the winter, often without occupation, in the most miserable hovels. Employment at a distance, always precarious, has largely failed them during the calamitous season. The causes of depression, seriously aggravated by unfavourable seasons, and especially by that of 1879, must be sought in the peculiar circumstances and conditions of the country, as well as in defects of the land laws, and they may be therefore stated as follows :—1. Inclemency of the seasons and consequent failure of the potato crops. 2. Foreign competition. 3. An undue inflation of credit, partly produced by the security afforded by the Land Act of 1870, and partly by a series of prosperous seasons. 4. Excessive competition for land ; the excessive competition is owing mainly to the fact that apart from the land there are few, if any, other means of subsistence for the population, and it has led to serious abuses which have come before your Commissioners in the evidence they have taken, such as (a) unreasonable payment for tenant right, (b) arbitrary increase of rents, (c) overcrowding in certain districts, (d) and minute subdivision of farms.”

Next, my Lords, come the old suggestions I have pointed out about the reason of the overcrowding of particular districts—I am not going again to refer to

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sion, 1881.

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sion, 1881.

that. Then come suggestions of emigration and migration—the latter of which of course your Lordships understand to mean the sending back to the now depopulated land, thousands of acres and tens of thousands of acres, people from the congested districts. Emigration of course means emigration abroad. Then come suggestions as to further necessary protection for the tenants, and they make this reference to the Encumbered Estates Act, to which I have already adverted :—

“The difficulty of dealing with the subject appears to be increased by the change of ownership, which has taken place in a large portion of the soil of Ireland, under the provisions of the Encumbered Estates Act. The sales under this Act, which gave a Parliamentary title, were, it is alleged, made without regard, and therefore without any protection to the occupying tenant, the fee-simple of whose farm frequently passed into the hands of a speculator, who too often sought to obtain an increase of profit from his investment by raising the tenant’s rent.”

Then they proceed to consider the difficulties of dealing with the question, and as to these they make this suggestion :—

“Great stress has been laid upon the want of security felt by an improving tenant, which, it is alleged, limits not only the number of persons employed in agriculture, but also the quantity of food produced for the benefit of the general community. Bearing in mind the system by which the improvements and equipments of a farm are very generally the work of the tenant, and the fact that a yearly tenant is at any time liable to have his rent raised in consequence of the increased value that has been given to his holding by the expenditure of his own capital and labour, the desire for legislative interference to protect him from an arbitrary increase of rent does not seem unnatural ; and we are inclined to think that by the majority of landowners legislation properly framed to accomplish this end would not be objected to.”

My Lords, the report of the Commissioners, whose names I gave your Lordships as being added on the

Irish Question, is even stronger. I do not know whether it would be convenient to hand this in without troubling your Lordships with reading the whole of it. Probably it would. I think I can state generally its effect. Among the causes of the agricultural distress they name—the extreme smallness of many of the agricultural holdings; the overcrowding of population in districts of poor land; the general feebleness of industry and backwardness of agriculture, caused by a sense of insecurity which, notwithstanding the Act of 1870, still prevailed, and tended to paralyse energy, to hinder improvement, and to produce too often feelings of dangerous discontent:—

“This sense of insecurity appears to be produced to some extent by the fear of capricious eviction, which has only been partially checked by the Land Act of 1870, and more generally by the fear of an increase of rent, demanded, of course, as the condition of remaining in the holding.”

Then they go on to say:—

“We find in many, and especially in large estates, the rents are moderate and seldom raised, and the improvements of the tenants are respected; but we are satisfied that a large proportion of the occupiers of land are very differently situated, living in fear of an increased demand of rent upon any signs of increased ability to pay, and sometimes subjected to rents which do not admit of hopeful industry, and make contentment impossible. This state of things is found in its worst form upon the poorer tillage lands, upon the smaller properties, and especially, though not exclusively, upon those which have come into the hands of new owners since the famines of 1846 and 1847, and down to the present time.”

They refer also, in their report, to the use of the word “exorbitant” in the Act of 1870 as having, in its interpretation and in its application, failed to accomplish the purpose for which it was intended, and suggest the substitution of the word “unreasonable.”

My Lords, still more important in this connection

Report of  
the Irish  
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sioners.

Report  
of the  
Assistant  
Commissioners.

is the report of the Assistant Commissioners of the condition of things which they themselves actually saw. I have already told your Lordships that that was the report of Mr. Baldwin and of Mr. Robinson. It is dated January 1880, and therefore relates both to the state of things in 1878 and 1879. They commenced their inquiries in Kerry, and they appear to have gone over the greater part of the country.

“We had not proceeded far when we discovered that the agricultural classes of Ireland are passing through a depression of great intensity. As we proceeded through the remote districts of the west, it became evident to us that widespread distress will soon prevail among the small farmers and cottiers. We saw with our own eyes that the supply of turf saved is unusually small, and that in many places the potato, which is still the mainstay of a large proportion of the people, was so light and blighted that it would run short about Christmas, and in some places sooner. The tales told us by the small farmers as to their indebtedness seemed so incredible that we took the trouble wherever we could to verify them by reference to the books of shopkeepers.”

Then they proceed to give the result of that, and point to the stoppage of credit by the shopkeepers.

“In many cases we found that the real condition of the small farmers in the south and west is not known to their landlords, or to the land agents, or to the very bailiffs on the estates we have examined. Further inquiries have revealed to us that a large portion of the people in many parts of the country are in a critical state.”

They afterwards refer especially to Donegal, a place, I am sorry to say, at this moment in great trouble.

“In the south and west, and even in parts of the north, a very large number of the small farmers, cottiers, and even labourers have lived during the summer—that is, after the potato had been used—on food obtained on credit. At the commencement of this credit system it was customary to pay the debts thus contracted after harvest. In good years credit was freely given, not only for meal

and flour, but for clothes and other articles. A succession of bad harvests has prevented them from paying up their accounts regularly. In this way debts have accumulated until many of the small farmers have come to owe to the shopkeepers and others four, five, six, and even ten times the amount of their annual rent." Report of the Assistant Commissioners.

My Lords, if these creditors of the small farmers had not shown more consideration than a large proportion of the landlords, there would have been an absolute and total collapse in the greater part of Ireland. They then go on to deal with one of the grievances, namely, their borrowing, and having to pay usurious rates of interest :—

"A series of bad years ending with the present disastrous year has brought down the inflated system of credit to which we have referred. Vast numbers of small farmers have found themselves unable to meet their engagements as usual. We do not mean to convey that small farmers as a class are in a bankrupt condition, but, judging by what we have seen, amounting to about 15 per cent of those under £8 valuation will utterly fail unless aided in some way or other."

Then they go on to say that many of the great landed proprietors have either made abatements of rent or deferred the time of payment, and they point out, what is quite true, that the condition of things was hard on the landlords, who had heavy charges on their estates to meet; that a very large number of labourers have been thrown out of employment, and that several large farmers have already employed the people in making estate roads and so forth. Then they refer in detail to some places, especially on the western seaboard, with which your Lordships have to deal :—

"We have already visited hundreds of these farms, and found the occupants of a large number of them in so deplorable a condition that we feel unable to describe it in a way which would enable his Grace to realise it fully. Over and over again we found the dwell-

ings to contain only one apartment, in which were frequently housed cattle or pigs, and sometimes both. . . . While the agricultural depression has seriously affected every class in Ireland, it has told with terrific effect on the small farmers now under consideration, and if possible, still more terrifically on a numerous class in Ireland who live partly by the cultivation of small holdings and partly by farm labour."

Then they go to the Land Act of 1870, and refer to the report as to the working of that Act, and how it had failed to carry out its objects. They refer to two monster meetings having been held at Ballyhaunis and Ballaghaderreen, both in County Mayo.

"These places may be described as two 'head centres' of subdivision. In ordinary times a great many of the small farmers near these towns are scarcely above want, and after a few hard years they are on the verge of starvation and rebellion."

Then they consider the expansion of the "Bright clauses," with which I am not of course at this moment dealing. They describe their inquiries in cases where they found the state of agriculture low, and the reasons are given—the sense of insecurity. They deal with cases where efforts have been made to purchase holdings under the Bright clauses by paying a price which commissioners proclaim to be an extravagant and unreal price, far beyond the proper value, and they put to some of the purchasers this question :—

"In this case there is a holding which, if properly farmed and managed, would enable the family to live comfortably. But they are weighed down to the ground by heavy instalments and usurious interest. We asked why they purchased, and the answer may be said to be stereotyped in the minds of the small farmers of Ireland : 'Oh, sure, we were afraid of a bad landlord coming over us.'"

Then they wind up in this way :—

"Finding so many of the small farmers of the south and west steeped in debt, misery, and poverty, while their lands are undrained and neglected, we asked why they did not adopt

better systems of farming. Thousands upon thousands of them could easily double their incomes by the exercise of skill; we have travelled through entire districts without seeing any men at work in the digging of the ground before the winter's frost, or in preparing the land as it ought to be prepared at this season for the coming crops. But the answer to our appeals on both matters was the same; it affords evidence of a conviction which is deeply engraved on the minds of this class, namely, that if they made improvements the rents would be immediately raised in consequence of those improvements. Now, whatever view be taken of this subject, the feeling remains all the same in the minds of these small farmers, and it is strongest in the most backward and most densely populated districts and on the estates of land-jobbers and in those of a few absentees and other landlords who do not take the necessary personal interest in the management of their properties. This feeling would appear to have crushed all spirit of progress and improvement out of the minds of these poor people. In the whole range of the heads of our inquiry this is the most delicate and difficult subject. It is as significant as it is suggestive that several large landed proprietors in different parts of the country have drawn our attention to the existence of this feeling, and made to us statements which, if true, would fully justify it."

Then, my Lords, they proceed to give instances, but one they give is so striking an instance of the increase of rent, and given in such detail, and after such careful inquiry, that I think I ought to read it to your Lordships. It relates to the part of Donegal which, as I have said, is at this moment the seat of great disturbance.

"On many of the great estates the tenants are permitted to dispose of their interest freely, subject to the purchasers being approved by the landlords. On certain estates, for example, in Donegal, whenever a sale takes place the landlord increases the rent on the new tenant 25 per cent. On visiting a small farm on one of these estates in the south-west of the county, the tenant complained to us that he and others had been subjected to several increases of rent at short intervals. We give the facts as proved by the receipts he handed to us. In 1851 and 1852 the rent was £4: 13s. In 1853 it was raised to £6: 4s. The receipts for some years are

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missing, but in 1860 the rent was £6 : 10 : 6. In 1861 it was raised to £7 : 15s. In 1862, 1863, and 1864 it was £9. In 1865 it was £10 : 1 : 4. In 1866 and 1867 it was £11 : 2 : 8. In 1868 it was £11 : 17 : 11 ; and in 1869, £12 : 13 : 2."

So that from 1852 a rent of £4 : 13s. was raised to £12 : 13 : 2.

"We saw the agent, who stated that in 1867 a valuator went over the estate with a view of re-adjusting the rents, and that this gentleman valued the holding at £12 : 13 : 2, and that the rent was raised by a series of increments, as shown in the receipts. This explanation was never given to the tenant. We devoted an entire day to an examination of this estate. The agent told us that he has been able to collect very little of this year's rent, and he expressed his belief that the greater number of the tenants are wholly unable to pay it. The tenants on this estate whom we have visited are, like many of those in other localities, in a deplorable state. They are steeped in debt, and their credit is gone."

My Lords, that is not the language of men described by the prosecutors in this case as interested, self-seeking, political agitators. This is the grave language of men officially employed for a public purpose — gravely reporting what has come under their own observation.

I should like to supplement this by a statement also of an eye-witness, who can, if needful, be called before your Lordships at a later stage of this inquiry, a gentleman well known in Dublin, who went to perform the humane part of examining, with a view to reporting to one of the several relief committees which were formed, and which existed for the relief of distress in 1879 and 1880. It is the report of Mr. Fox to the Mansion-House Committee on the condition of things in Mayo in 1880, my Lords.

Mr. Fox's  
Report to  
Mansion-  
House  
Committee.

"I have taken" (says Mr. Fox) "the precaution of seeing with my own eyes many of the recipients of relief in their miserable hovels" (this is in Mayo), "which, so far as I have yet observed, are a shocking reproach to the civilisation of the nineteenth century.

. . . I do not believe that tongue or pen, however eloquent, could truly depict the awful destitution of some of those hovels. The children are often nearly naked. Bedding there is none, everything of that kind having long since gone to the pawn-office, as proved to me by numerous tickets placed in my hands for inspection in well-nigh every hovel. A layer of old straw, covered by the dirty sacks which conveyed the seed potatoes and artificial manure in the spring, is the sole provision of thousands, with this exception, that little babies sleeping in wooden boxes are occasionally indulged with a bit of thin old flannel stitched on to the sacking. Men, women, and children sleep under a roof, and within walls dripping with wet, while the floor is saturated with damp, not uncommonly oozing out of it in little pools. In one case I asked a gaunt, starved-looking man, whom I found literally endeavouring to sleep away the hunger, where his little children slept, when he pointed to a corner in the moist room in which I could see no sign of bedding. 'Do they wear their clothes at night?'—'No.'—'How then do they keep warm?'—'There is,' he replied, with the most amazing simplicity and composure, 'a deal of warmth in children,' signifying that they obtained warmth by huddling together like little animals. This occurred at Carrycastle. . . . I invariably found them on the occasion of my visit crouching round the semblance of a fire lighted on the open hearth. And this at midsummer—showing how terribly low must be the vitality amongst them. . . . It was only when I was accompanied by a Catholic priest I could get an insight into the appalling want. Alone, some of the most destitute tried to screen from me the poverty of their truckle beds, upon which the straw was often so thin that I could touch the bare boards with my hands. These received me with a dull, passive surprise, wondering what might be the object of my curiosity in so wretched a country. And even the priest himself had occasionally to use no little persuasion to overcome this modest feeling, by assuring them that I was present in the capacity of a friend. Everywhere the condition of the children was otherwise dreadful, there being for them nothing but the Indian meal, badly cooked, to live upon, and the parents only too glad if the charitable funds provided the family with half enough even of that. Sometimes there was a miserable cow about the premises, for in every case I am referring to, the class of small farmers mostly resided on three to five acres of land, which in North Mayo is generally found to be reclaimed bog or mountain

slope ; and this cow was supplying milk, principally gratis, to a small number of children other than the owner's, to mix with the Indian meal. Occasionally people appealed privately to my companion on no account to cut off the charitable supplies from the possessor of the cow, seldom worth more than a few pounds, and just then unsaleable in any market, as the animal was the hope of so many little ones. At other times cooked cabbage, without a morsel of condiment save salt, was found where there was no meal, and in some instances one was found mixed with the other. But in numerous cases there was neither milk, meal, nor cabbage about the premises, and in those I gave some temporary relief to fill up the interval till the next general distribution of the local committee. Sometimes even charity itself had failed, and the mother of the tender young family was found absent, begging for the loan of some Indian meal from other recipients of charitable relief—the father being in almost every instance away in England, labouring to make out some provision for the coming winter. Yet in the most destitute cases hardly a word of complaint was uttered on the subject, it being a habit with, if not the nature of, the Mayo peasant submissively to ascribe his lot in times of scarcity as well as plenty to the 'will of Providence.' We visited more than thirty hovels of the poor, principally in the townlands of Culmore and Cashel, in which I beheld scenes of wretchedness and misery wholly indescribable. In some of those hovels evicted families had lately taken refuge, so that overcrowding added to the other horrors of the situation. In one hovel in the townland of Cashel we found a little child three years old—one of a family of six—apparently very ill, with no person more competent to watch it other than an idiot sister of eighteen, while the mother was absent begging committee relief, the father being in England ; in another an aged mother, also very ill, lying alone and unattended, with nothing to eat save long-cooked Indian meal, which she was unable to swallow ; in another, in the townland of Culmore, there were four young children, one of whom was in a desperate condition for want of its natural food—without which it was no longer capable of eating the Indian-meal stirabout, or even retaining anything whatever in its stomach."

I should like to add to this the account of one other person, and to take this account from the columns of *The Times*. It is the testimony of a man now lost to

his country, a man held in high esteem and admiration for his courage and the generous impulses of humanity which moved him—I mean the late General Gordon. He visited this country, the district which we are speaking of, on the 3d December 1880. <sup>General Gordon.</sup>

"I have lately been over the south-west of Ireland, in the hope of discovering how some settlement could be made of the Irish question, which, like a fretting cancer, eats away our vitals as a nation. I have come to the conclusion that, first, a gulf of antipathy exists between the landlords and tenants of the north-west and west, and the south-west of Ireland. It is a gulf which is not caused alone by the question of rent ; there is a complete lack of sympathy between the two classes. It is useless to inquire how such a state of things has come to pass. I call your attention to the pamphlets, letters, and speeches of the landlord class as a proof of how little sympathy or kindness there exists among them for the tenantry, and I am sure that the tenantry feel in the same way towards the landlords. Second, no half-measure Acts which left the landlords with any say to the tenantry of those portions of Ireland will be of any use. They would be rendered, as past Land Acts in Ireland have been, quite abortive ; for the landlords will insert clauses to do away with their force. Any half-measures will only place the Government face to face with the people of Ireland as the champions of the landlord interest."

He then, my Lords, suggests a scheme very much like the scheme which is supposed to be the policy of the present Government, and which was a policy first indicated by the Land League, as I shall presently show your Lordships. Then he goes on—

"In conclusion, I must say from all accounts, and my own observation, that the state of our fellow-countrymen in the parts I have named is worse than that of any people in the world, let alone Europe. I believe that these people are made as we are, that they are patient beyond belief, loyal, but at the same time broken-spirited and desperate, living on the verge of starvation in places in which we would not keep our cattle. . . . I am not well off, but I would offer ——"

He does not mention the landlord's name, and I will not.

"or his agent £1000 if either of them would live one week in one of these poor devil's places and feed as these people do. Our comic prints do an infinity of harm by their caricatures; firstly, the caricatures are not true, for the crime in Ireland is not greater than that in England; and secondly, they exasperate the people on both sides of the Channel, and they do no good. It is ill to laugh and scoff at a question which affects our existence."

My Lords, I had not at the moment the reference  
Lord John Russell. I intended to make to a speech of Lord John Russell, which I do not intend to use except for a definite purpose. It was in a debate after the report of the Devon Commission was fully before the House, and I am reading from Hansard under the date of the 15th June 1846. After giving a good many instances in the evidence, he summarises the result of the evidence thus —

"However ignorant many of us may be of the state of Ireland, we have here the best evidence that can be procured, the evidence of persons best acquainted with that country, of magistrates for many years, of farmers, of those who have been employed by the Crown; and all tell you that the possession of land is that which makes the difference between existing and starving amongst the peasantry, and that therefore ejections out of their holdings are the cause of violence and crime in Ireland."

And he gives some figures and dates with which I have not troubled your Lordships, because although I am afraid I have gone into a good many figures, I have avoided a great many I might have given. But he gives these figures, which are rather remarkable. He is discussing the possible or probable effect of one of the many coercion bills which have been applied to the state of disturbance in Ireland. I will only trouble your Lordships with one sentence.

"The number of homicides in 1832 before the introduction of what was called the Coercion Act, was 242; in 1837, 230; in 1840, 125; in 1842, 106; in 1845, 139."

He gives also correspondingly large figures in regard to the crime of attacking houses with which I will not trouble your Lordships. I merely call attention to those with reference of the question of murder.

Now, my Lords, I have to call attention to some remarkable figures which during the evidence have been glanced at, but not given in full before your Lordships as to the state of things in these years 1876, 1877, 1878, and 1879. First of all I give your Lordships the potato

The Potato  
Crop.

crop, and for these figures I refer in each case to the statistical returns compiled by the Registrar-General in Ireland, and published by his authority—Dr. Grimshaw. In 1876 the potato crop was 4,154,784 tons, valued at £12,464,382 sterling. In 1877 the yield fell to 1,757,274 tons, equal to £5,271,822 sterling. In 1878 the yield was 2,526,504 tons, equal in money to £7,579,512 sterling. In 1879 it fell to 1,113,676 tons, equal in money to £3,341,028 sterling: in each of the four years the value is calculated on a price of £3 per ton. The year 1876 is admitted to have been a good year. Probably it would be just to say it represented a high average of good years, but comparing those figures, that is to say, the value of the potato crop in 1876, which was £12,464,382, deducting from that the value of the crop in 1879, which was £3,341,028, there is a loss on that comparison as regards that one crop of no less a sum than £9,123,354 sterling—a sum which represents, if I am rightly informed, more than three-quarters of the entire agricultural rents of Ireland! But the figures are still more striking if you take the general crops. Again, I am taking

General  
Crops.

the figures from the same authority. In 1876 the general crops were worth £36,000,000; in 1877, £28,000,000; in 1878, £32,000,000; in 1879, £22,000,000. So that again, taking the yield in 1876 as the datum, there is a loss in 1877 of £8,000,000; in 1878 of £4,000,000; in 1879 of £14,000,000; making the enormous total of £26,000,000, or more than double the entire agricultural rents.

Dr.  
Grimshaw.

I have already mentioned one fact, which I also obtain from Dr. Grimshaw. Addressing the Statistical Society in Dublin, he refers to this year, 1879, and he points out what would be, of course, obvious to your Lordships, that the full force and effect of a disastrous year like 1879 is not felt in that year, but mainly in the succeeding year. Its effects may even last beyond that. He uses this language:—

“Now let us look at the year 1879. First, let us examine the yield of the crops. Wheat was only 1100·4 per acre, a yield far below the average. The yield of oats also was very low; but when we come to the staple food of the country we find that the yield of potatoes in 1879 was the lowest on record, namely, 1·3 tons per acre. The death rate in 1880 was the highest on record, and the marriage rate the lowest on record. We learn from these examples that the prosperity of Ireland and the number of her people have hitherto been largely dependent upon one agricultural product. The other agricultural products, no doubt, are of national importance, but the potato, nevertheless, is the regulating factor. The production of cereals would bear a similar relation to the prosperity of England, but for the simple reason that other forms of industry are relatively of more vital importance to England than agriculture. This is the reason why the depression of agriculture has produced diminished population in Ireland, while in England as great a depression is still accompanied by increasing population. Urban industrial centres do not exist in Ireland in the same proportion, and therefore the total population of Ireland cannot be maintained by the compensating power of urban prosperity when rural employment becomes depressed.”

He then proceeds to give some very striking figures bearing upon the clearance question, which I have already adverted to.

“It appears that the acreage under cereal crops has fallen from Clearances. 3,099,000 in 1851 to 2,625,000 in 1861, to 2,124,000 in 1871, and to 1,777,000 in 1881.”

So that the extent to which the land has fallen out of arable cultivation between the years 1851 (it would be still more striking if one went back to a year or two earlier) and 1881 is the difference between 3,099,000 in 1851, and 1,777,000 in 1881. The total number of acres under meadow and clover he also gives. In 1851, 1,246,000 acres ; in 1861, 1,546,000 ; in 1871, 1,829,000, and in 1881 over 2,000,000. And he then proceeds to show that if the estimate of pasture land in 1841 was tolerably correct, you find that between the years 1841 and 1881 pasture lands have increased from 7,941,000 acres in 1841 to 10,075,000 in 1881.

At a later stage I shall have to refer even to another commission, which again throws light back upon the period with which I am dealing ; but I am anxious not to dislocate the dates more than is unavoidable. I have already mentioned (and I now give the authority for it) that Dr. Neilson Hancock estimated in his statement before the Statistical Society in February 1880 that the loss to Connaught alone from the lessened demand for harvest labour in England amounted to the labourers of that province alone to £250,000 in that one year, 1879. My Lords, that story of the efforts made by these small holders of land to keep their holdings and pay their rents is a remarkable story of frugality and self-denial. These poor creatures, leaving their wives and children to come to this country and subsist, God knows how, manage to bring back, only as the fruits of the strictest frugality,

Harvest  
Labour in  
England.

the money which goes towards paying the landlord's rent, which certainly never was made out of the land.

Now, my Lords, what were the Government doing at this time? Was attention called to this? What was the action of the Government? I have to refer to one gentleman for whom I have personally great respect in every regard except in his character (I must say so) of a statesman. In February 1880 that gentleman, Mr. Lowther, was Secretary for Ireland. Mr. Shaw, who was then a leading member of the Irish Parliamentary party, addressed to him in the House of Commons a question as to whether the Government were going to do anything upon the question of land reform. It took a very mild form of interrogation: whether or not there might not be an extension to the rest of Ireland of that security which tenant right gave in Ulster? The answer of the Minister of the Crown was that he had before said, and he was then prepared to maintain, that to extend the Ulster custom to the rest of Ireland would be pure and undiluted communism, and when pressed as to the state of Ireland he said the Land Question had nothing to do with the state of Ireland, but was the work of other agencies. Nothing was at that time done, and Ireland had to appear again in the humiliating character of a mendicant before the world; for recollect, my Lords, the famines in Ireland differ, as I reminded your Lordships yesterday, from the famines of Egypt or the famines of India, because at this very time (of course it can be illustrated, and I can prove it if it be challenged), there was being exported from Ireland in cattle—ay, and in corn, more than would have sustained the population three-fold.

Then was started (all credit to them for it) a number of charitable funds in Dublin; the Mansion-House Fund, the fund which owes its name to the interest which the

Duchess of Marlborough, the wife of the then Lord Lieutenant, benevolently took in the matter; the fund collected through the agency of the *New York Herald*; the fund collected at the instance and by the influence principally of Mr. Parnell upon the occasion of his visit to America. I am not going to follow that part of the American story, because I intend to reserve it for separate and distinct treatment. I pass that by in the course of my narrative upon this point, because, as your Lordships are aware, I am dealing with the point now of whether the state of things in 1879 was not literally such, as I have said, that it called for, failing the strong intervention of the Government by exceptional measures, a strong protective agitation and combination amongst the tenant class themselves; and if that were wanting, the only alternative was sporadic, bloody warfare in various parts of the country.

My Lords, a little later (I am still throwing light back upon the state of things in 1879) there was a change in the Government; and the Government of 1880 had the matter forced upon their attention. Mr. Forster was then the Minister for Ireland who had succeeded Mr. Lowther. I cannot mention Mr. Forster's name without saying that I believe that no man ever went to Ireland with a sincerer resolve, humanely, justly, and thoroughly to discharge his public duty; but, unhappily, like every other man who has gone to Ireland on like missions, he finds a system which is too strong for him. He has not the control of the system; the system controls him. His position is one of absolute isolation from popular touch or contact, and from sources of popular information. My Lords, the form which the action of the Government took was this. They brought in a bill of an exceptional character, one which I thought

Compensa-  
tion for  
Distur-  
bance Bill,  
1880.

and said at the time (for I took some part in its discussion) required very exceptional circumstances to defend or to justify it. It was known, as your Lordships are probably aware, by the name of the Compensation for Disturbance Bill. Its function and objects were, in respect of a certain class of the smaller tenancies, limited to a particular part of the country, the same part with which your Lordships are dealing—the districts scheduled as distressed districts, Galway, Mayo, Cork, Kerry, Clare—parts of these—there were some others in addition. The object was upon the payment of a half of one year's rent, to stay all eviction processes at the instance of the landlord for a certain definite period. That proposition was originally made by one of the members of the Irish Parliamentary party, Mr. O'Connor Power, a member of the English bar. He may be known to some of your Lordships. Mr. O'Connor Power would not be ashamed if it were necessary to tell your Lordships, that he is one of those hot-headed and impulsive young men who in 1865-66 saw no hope from constitutional agitation and from Parliamentary effort, and who joined the ranks of the Fenian body. He, nevertheless, afterwards became in Parliament an important ally in the useful discussion of questions directly and intimately affecting Ireland. Mr. Forster moved the second reading of this bill on the 25th June 1880, and this bill, which I am now about to explain to your Lordships, was founded upon a bill prepared, in the interests of peace in Ireland, by the Land League, whose action is here denounced. It was their bill taken up by the Government after Mr. O'Connor Power had, as one of the Land League, introduced it. Mr. Forster in moving explains its principle—that there is a limitation of time, a limitation of area; that it is limited to the end of the

next year, which would be 1881, and to the area of those districts which are scheduled as distressed ; and then he proceeds to explain its provisions. I have the bill here. Unhappily it never became law, as your Lordships will presently hear.

“The proposal is limited” (he says) “to the scheduled unions, generally speaking to the western half of Ireland ; but there is, practically, another limitation—that is, it is limited to those unions outside Ulster and outside of the districts where Ulster tenant right exists.”

Then he explains the reason why. He says that the tenant who has the benefit of the Ulster tenant right custom would of course be in a very much better position than anything this Act would give him. Then he proceeds to explain what the proposal was. It was this :—

“That if in the distressed districts, and during this year of distress, it shall appear to the county court judge, the official to whom these questions are referred,—if it shall appear, first, that the tenant is unable to pay his rent; secondly, that he is unable to do so on account of the distress arising from the bad harvest of this and the two previous years; thirdly, that he is willing to continue in his tenancy on just and reasonable terms as to rent, arrears of rent, and otherwise ; and fourthly, if those terms are unreasonably refused by the landlord, then and then only can he obtain such compensation as the court may think just under the third section of the Land Act of 1870.”

I was wrong in saying one of the conditions was the payment of a definite proportion of rent. That was left to the determination of the judges. He then, in justification of this proposal, cites in reference to the distress the opinion of a gentleman who has taken a great and praiseworthy interest in this matter, I mean Mr. Tuke, and, after he has gone through the story of the distress, Mr. Forster proceeds :—

“Now, you may say, with these facts before you, why did you not bring in this bill at the beginning of the session ? You knew the distress. You knew the meaning of the Land Act. You knew

Evictions  
in 1879-80.

the relative positions of the Ulster tenant and the non-Ulster tenant. Well, we did not do so because we hoped that we might put off legislation until we had all the facts before us and knew how the Land Act was working, and then we might bring it before the House and inquire how far it required amendment. Then, it may be said, if you did not bring it in then, why have you brought it in now? Well, for this reason, that we find we could wait no longer. Facts are accumulating upon us. Evictions have increased and are increasing. I have here the figures as to the evictions the constabulary have had to conduct. They are not all that have been effected, only those in which the aid of the constabulary has been required, and I deduct from them all the cases where the evicted tenant has been readmitted; this list, moreover, has nothing to do with process-serving. The average evictions for the five years ending in 1877 was 503 for each year; in 1878 the number was 743; in 1879 it was 1908; and up to the 20th of June of the present year it was 1073."

Or in other words it had nearly doubled in 1880. And referring to one case in Galway he says:—

"I take the case of the West Riding of Galway. Since the 1st of January in this year the number employed in protecting process-servers has been 107 officers of constabulary and 3300 men, and 16 officers and 626 men in carrying out actual evictions." Then he proceeds and concludes his statement thus: "On our part we are forced to declare" (speaking for the Government) "that the responsibility of not permitting this temporary, and, as we conceive, this necessary modification of the law, must rest upon Parliament and not upon us."

My Lords, I do not refer to a part of that speech in which he makes an appeal to members of the Irish party, to use their influence to keep down outrage. It is not in connection with the subject which I am now upon. I refer to it merely to show that I have not passed it over. I shall recur to that subject again.

The House of Commons passed that bill. It was an exceptional bill, only to be justified by grave exceptional circumstances, and in point of fact by the interests of

the peace of the community. It went to the House of Lords. Amongst its defenders there, was a distinguished person not remarkable for an over-abounding sympathy with the Irish tenant class ; a man, I have not the least doubt, of thoroughly humane instincts ; a man who has never been able to realise, and does not understand the complex character of the Irish question : I mean the Duke of Argyll. He defended this bill in the House of Lords, and I will call your Lordships' attention to some things which he said. The date was the 3d of August 1880. Amongst other things he says :—

“ My noble friend behind me (Earl Granville), in moving the second reading of this bill, said it was a very delicate thing to mention such cases, because we might be holding up individuals to odium and possibly outrage.”

That was in reference to the statement of the renewed evictions and of the fact, as the Duke of Argyll puts it, that the Government had to consider a population of small tenants numbering 500,000 who were actually, these are his words, “ at the mercy of the landlords of Ireland.” Then he goes on to say :—

“ The House will feel, therefore, that the members of the Government speak under great reserve of these matters ; but I must say frankly that there have been some cases in which individual landlords have shown a disposition to make wholesale evictions for non-payment of rent, where that non-payment was clearly due to the failure of crops. There was one case which became public in the newspapers, and which I have, therefore, the less delicacy in mentioning. I do not know even the name of the landlord, but I rather think he was a purchaser in the Encumbered Estates Court. Before I mention this case in detail, I wish to make a single observation with regard to a distinction sometimes drawn between landlords who have bought their estates in the Encumbered Estates Court.”

I need not trouble your Lordships with that part of

Compensa-  
tion Bill in  
the Lords.

Duke of  
Argyll.

it. Then he mentions this instance from a place called Curraroe, in the county of Galway, which is the scene of some of the crimes into which your Lordships have had to inquire :—

“On the whole townland there were 89 tenants with families numbering in the whole 515 souls. The rent was £137 : 7s., or about 30s. each. They were of the smallest class of occupiers. There were 1334 acres in the townland, of which 110 were arable, under crop. The whole stock of the farms consisted of only four horses, 110 cattle, 62 sheep, and 14 pigs. The total valuation of the stock and crop—everything—was £1423, or about £2 : 15s. for every soul in the townland. One-twelfth of the aereage was arable. I think that was a case clearly in which the tenantry were so reduced, as you may see from the valuation of their stock and crop, that it was impossible they could pay their rent after the three years of the worst harvests we have had for a long period. In this case notices of eviction were served, I rather think, in the time of the late Government, but were enforced, or attempted to be enforced, by, I believe, only 20 men. There was a general resistance to the service of those ejectments ; and since we came into office the Irish Government had to reinforce the police in the place to the extent of 200 men. You had in that case at the mercy of the landowner a whole population of upwards of 500 souls, who, under the existing law, would have been evicted without one shilling of compensation, without one shilling to carry them to America, because they were evicted for non-payment of rent. What is the significance of these facts ?”

He proceeds to say what was the duty of the Ministry, and urges upon them to persuade the House, as a matter concerning the Queen’s peace, the necessity of passing that bill.

My Lords, that bill was rejected in the House of Lords by an enormous majority. I think I am right in saying that the attendance in the House of Lords upon the occasion of this bill exceeded any attendance that is recorded in the journals of that House, except upon the occasions of great party divisions.

My Lords, a Relief of Distress Bill was passed in March in the session of 1880. What was the form it took? The form it took was advancing to Irish landlords £1,100,000 of the surplus funds of the dis-established Church in Ireland, to lend that money to Irish landlords without interest for two years, and at the end of two years at the rate of one per cent; and, unless numbers of landlords are gravely maligned, when they employed their tenants and paid them wages out of this fund for working upon their own farms (which wages went towards payment of rent), those tenants were charged in some cases four and five and even more per cent, and that in perpetuity, on the very money advanced by the State for their relief, thus getting the relief filtered through the hands of the landlords in this indirect and very ineffectual fashion.

My Lords, is it remarkable that those interested, the representatives of the Irish people, should in this conjuncture of things feel alarmed for the future? Is it remarkable that there should again be conjured up in the minds of the people the dread of the recurrence of those nameless scenes of horror, the memory of which hung like a dark cloud over the recollections and the lives of the people who had taken part in those scenes, and who had suffered in them? I am unable, and I will not attempt to give a picture of those scenes. The nameless graves, members of one family thrust into unhallowed ground, the fearful want and agony of children dying before the eyes of parents, ay, and children, innocent infants, found struggling for their young life at the nipple of the mother, hours after life had left her! Is it possible, my Lords, for men who think of these things, who have their recollections revived by the dread of such things—is it right that their language should be tested

Relief of  
Distress  
Bill, 1880.

by the same rules which men apply to those who are philosophically and calmly discussing some problem of economy or politics?

My Lords, there had been in operation in Ireland many causes which had led to an altered tone amongst the Irish people. There had been the greater intercourse with England, there had been the greater intercourse with America; and there is not the least doubt that intercourse and communication with their friends in America had somewhat raised, and God knows the standard had been low enough, the notion of the standard of living, of housing, of clothing, which the Irish people should possess. They were no longer (for they had altered in that regard to some extent at least, in some parts of the country to a greater degree than others) willing to lie down in the ditches to die, as they had, in 1846 and 1847, but were prompted to make the struggle which human nature will make when it is fighting for very life.

Now, my Lords, what were the landlords doing? I have already given your Lordships some indication from references to the speeches of the Duke of Argyll and of Mr. Forster. I will now give your Lordships figures which have not yet been presented, but which tell a remarkable story. Your Lordships will, of course, understand that, so far as actual evictions are concerned, there is a mode in which with tolerable accuracy you can get at the figures, and it is this: Under one of the Acts relating to ejectment, the intending ejecting landlord is bound to give notice to the relieving officer in the district, in order that when driven from their homes there may at least be the possibility of getting shelter in the workhouse. But the actual eviction forms, I will not say a small, but a comparatively small part of the disturbing causes which lead to crime. The apprehension

of eviction, the process for rent, the service of the ejectment notice, all these just as much as the actual eviction cause ferment in the public mind and breed the elements of disturbance in the locality where they exist. There is no accurate mode—I mean accessible to the public—of ascertaining precisely the number of ejectment notices; Ejectment Notices. but we have taken the best means that can be taken by applying to the clerks of the peace in the various districts which are in question here, and we have got returns from those clerks of the peace with few exceptions; and, so far as the figures I am about to mention to your Lordships can be questioned, they can be questioned only in this, that they are understating and not overstating the facts. I take the four provinces, and I will then take the counties with which we are here specially concerned, and I would ask your Lordships to follow the average of the notices of ejectment for the whole period from 1853 to 1878, a period of 25 years, which, therefore, will give a fair average, and to compare that with the actual number in the one year of 1880. Taking the average from 1853 to 1878 in Ulster the yearly number was 1489; in 1880 it was 2846. In Connaught the average over the 25 years was 960; in 1880 it was 1995. In Munster the average was 1076; in 1880 it was 2345. In Leinster the average was 912; in 1880 it was 1363.

Now I take the particular districts which are here in question. In Galway the average was 236; in 1880 it was 543. In Mayo the average was 281; in 1880, 625. In Clare the average was 135; in 1880, 283. In Kerry (I ask your Lordships' special attention to Kerry) the average was 146; in 1880, 473. In the East Riding of Cork the average was 195; in 1880, 412. In the West Riding of Cork the average was 94; in 1880, 207.

My Lords, what then was the state of things ? A period of intense distress proved, affecting specially and particularly certain districts ; a recognition by the Government of the day that exceptional legislation was, in the interests of the peace of the country, required ; that policy of the Government endorsed by the vote of the House of Commons, the representative House of the Legislature, in which the Irish vote forms less than one-sixth ; thrown out by the House of Lords, and side by side with this, nothing done to stay the evictor's hand ; the landlords unequal to the occasion. I ask gravely is it in human nature to expect the people, the leaders of the people, to fold their arms and do nothing ? If such a thing had occurred in England, would there not have been thundered from every platform in the country the aphorism of Thomas Drummond, that property has its duties as well as its rights ? And would there not be thundered that still stronger but equally sound and true aphorism of Poulet Scrope, a distinguished politician in this country, that property can have no rights, ought to have no rights, inconsistent with the general welfare of the people ? No, my Lords, the Irish leaders could not, the Irish people could not, be expected to stand by with folded arms. It is true to say of Ireland in that crisis—

“ Famine is in thy cheeks,  
Need and oppression starveth in thine eyes,  
Upon thy back hangs ragged misery ;  
The world is not thy friend nor the world's law.”

My Lords, these defendants taught the Irish people the necessity for combining themselves together resolutely to fight for their lives in this extremity ; and it was a fight for their lives. I am not going to suggest that there were not men who took part in this

struggle who may not have been unworthy of sympathy. I am not going to suggest that in such a struggle as this there were not men who, under the cloak of a great movement, sought their own selfish benefit and advantage. I am not going to suggest that as incidental to this there have not been misfortune, disturbance, and crime. But I do suggest, I do affirm most boldly, that in its main character, in its essential objects, in its essential means, this was a movement and a combination which was not only justifiable before God and man, but necessary in the condition of things which existed.

My Lords, if further justification is needed for this movement, if any one still remains who has followed this case, with any lingering doubt in his mind that there was a great social evil to be grappled with in the interests, the commonest interests of humanity and of justice, if any one asks what is the justification beyond these facts, I refer them to the Statute-book of the realm, and in the Statute-book of the realm since the year 1879 is traced clearly, indelibly, unmistakably, the justification for the position and the agitation of the Irish leaders and the Irish people. For, as surely as I have the honour this moment of addressing your Lordships, the measure and fulness of the Land Act of 1881, of the Arrears Act of 1882, of the Purchase Act of 1885, of the further Acts of 1886 and of 1887, mainly owe their existence upon the Statute-book of the realm to-day, constituting a new charter for the Irish tenant, to the actions of the men who at the instance of *The Times* are held up to public obloquy and public odium as criminals and accomplices in criminality before the law.

My Lords, I might even refer your Lordships to the statements of more than one distinguished legislator, a man who has held high office, who in the House of

Justifica-  
tion of the  
Land  
League  
MoveMent.

Commons declared that the action of the Land League had made it possible for the Governments of 1881 and 1882 to pass their remedial measures of those years. I refer to Mr. Chamberlain. I think there are others who have spoken in the same sense. And what does that mean? My Lords, it points to a grievous vice in our political system. It does not mean—I have never thought it, I have never said it—it did not mean that honest men who have their attention called to the wretched state of Ireland, and who form the representation of Scotland, England, and Wales are not honestly anxious according to their view to do their duty; but it means that there is a *vis inertiae* prevailing in the Legislature in relation to Irish questions, partly caused by the pressure of, as it is thought, more important concerns, partly from want of information, partly from class interests, partly from prejudice, until it is literally true to say that, go over the legislation of the last hundred years and trace the story of its remedial legislation, and you will find that there is hardly one, if there be one, of the measures of that character which are to be found in the Statute-book which has come as a freewill offering of the Legislature and which has not come as the result of agitation, sometimes constitutional, sometimes unconstitutional, but always after pressure.

## VIII.

### THE LAND LEAGUE: PERSONAL SKETCHES

My Lords, that is the justification which, in general, I have to present to your Lordships for the existence of a League in 1879. I will now proceed to consider who formed the League, what were its means and objects, what was its work.

My Lords, there are several men whose names will come before your Lordships, and have come before your Lordships, in very considerable prominence, and who have been brought together in this Land League movement, drawn from different parts of Ireland, pursuing different occupations, belonging to different classes of society, to meet upon one common platform—the platform of the Land League. And one question your Lordships will have to answer—it is *the* question that your Lordships will have to answer, as I humbly conceive—is this:—What was the link that bound these men together; what was the motive that brought them together? Did they come together (for that is the case of the Attorney-General) as criminals, with criminal intent and criminal design, under the sham of a pretended land movement, to redress a pretended land grievance, or did they come together as men earnest for their country, anxious in its time of trouble to lift from its shoulders part at least of the oppressive burden which lay upon it? My Lords, upon

your answer to that question must, in my humble submission to your Lordships, depend the issue of this Commission. For, let it not be forgotten, the case which the Attorney-General has been instructed to put forward is not the case of crime, accidental, incidental to the stirring up of the popular feeling of the community upon a question as to which they were deeply interested. The charge is—the case made is—that these men met together and of design aforethought carefully calculated and deliberately applied a system of murder and of outrage under cloak and pretence of a Land League movement.

Who are these men? I will mention some of them to you. Amongst them were Mr. Patrick Egan and Mr. Biggar. Mr. Biggar is a man in business in the town of Belfast, a man unquestionably of considerable ability, of considerable resolution; a man who professes, if one may judge from his parliamentary career, not to regard in the least the conventional standard of conduct of those amongst whom he moves, but to act simply and solely, in his parliamentary conduct, and his conduct outside, in the manner in which he can best advance within the law the cause of the Irish people. Mr. Biggar was, like Mr. O'Connor Power, and like one or two others whom I have to mention to your Lordships, also when a young man a member of the Fenian body.

So was Mr. Patrick Egan, who in his turn was a Dublin tradesman, a man widely respected, and still respected, and as to whom—as he is not here to defend himself, and has been made the subject of attack—as to whom I hope to demonstrate to your Lordships upon the evidence as it stands, that whatever may be the case in his later career in America (of which I know nothing),

that there is not a scintilla of evidence upon which any man of honest judgment can pronounce condemnation against him for anything he has done in Ireland or in England. Both Mr. Biggar and Mr. Patrick Egan, before Mr. Parnell came to a prominent position in politics, were members of the Home Rule Association known as Mr. Butt's. They joined that association in the hope that good might come of it, and after joining it—I do not know what the expression to use is—they were drummed out, or, at all events, ceased to be members of the secret society or Fenian Brotherhood. It may surprise your Lordships to know it—it certainly has to some extent surprised me to know it—but I had not lived in Ireland in those days—that a number of men of good character, of good education, in despair of any good from constitutional means or open political movements, were at one time members of the Fenian body. But so it was. These two whom I have mentioned—Mr. Biggar in Parliament and Mr. Egan out of Parliament—belonged to the party which Mr. Butt led and continued to lead practically up to the time of his death in, I think, 1878 or 1879.

Another whom I must mention, my Lords, is Mr. Thomas Sexton—although he took part at a later date in the movement—now Lord Mayor of Dublin; a man who was at that time the editor of a Dublin newspaper, and for a long time earned his bread by his pen, and by contributions to newspapers and to magazines. Mr. Sexton, my Lords, you will see before you.

I think all three of these gentlemen were members of the Council of Mr. Butt's Home Rule Association, and that Home Rule movement, as you may understand it, began as far back as the month of May 1870, and took

Home Rule Association.

its rise at a meeting held in the Bilton Hotel, Sackville Street, at which the then Lord Mayor, the Right Hon. Edward Purdon, Protestant and Conservative; Sir John Barrington, the High Sheriff; Sir William Wilde; James Martin, J.P.; Mr. Isaac Butt, Q.C.; John Martin, M.P.; Mr. Harris; Major Knox; J. F. Lombard, J.P.; and a number of others whose names I need not stop to trouble your Lordships with—Colonel King-Harman, Captain Edward King-Harman, William Shaw, afterwards for a time leader of the Irish Parliamentary party, and a number of others. Dr. Galbraith of Trinity College, and Dr. George Shaw of Trinity College, Dublin, were members, and, as I am informed by my learned friend, the great majority of them—I do not wish to dwell upon that—were Protestant gentlemen and of considerable distinction.

The subjects for the consideration of the meeting were “the general dissatisfaction which prevailed in the country owing to the evils of absenteeism, consequent loss of trade, and national poverty.” Another was “the consideration of the advantage of a Royal residence from a political and a financial point of view.” Another was a proposal to arrange for an aggregate meeting, and as the result of the discussion these two resolutions were unanimously passed :—

“That it is the opinion of this meeting that the true remedy for the evils of Ireland is the establishment of an Irish parliament, with full control over domestic affairs. That the following gentlemen be appointed a committee, with power to add to their number, to consider the best means of combining all classes of Irishmen in support of a well-considered constitutional measure to attain the object of the foregoing resolution.”

That was followed by a further meeting on the 26th May 1870, when the association was formally consti-

tuted, and its rules or rather its principles are what I am about to read :—

“(1) This association is formed for the purpose of obtaining for Ireland the right of self-government by means of a national parliament. (2) It is hereby declared, as the essential principle of this association, that the objects, and the only objects, contemplated by its organisation are : to obtain for our country the right and privilege of managing our own affairs, by a parliament assembled in Ireland composed of her Majesty the Sovereign, and her successors, and the Lords and Commons of Ireland. To secure for that parliament, under a federal arrangement, the right of legislating for and regulating all matters relating to the internal affairs of Ireland, and control over Irish resources and revenues, subject to the obligation of contributing our just proportion of the Imperial expenditure. To leave to an Imperial parliament the power of dealing with all questions affecting the Imperial Crown and Government, legislation regarding the colonies and other dependencies of the Crown, the relations of the United Empire with foreign states, and all matters appertaining to the defence and the stability of the empire at large. To attain such an adjustment of the relations between the two countries, without any interference with the prerogatives of the Crown, or any disturbance of the principles of the constitution ; and (3) The association invites the co-operation of all Irishmen who are willing to join in seeking for Ireland a federal arrangement based upon these general principles. (4) The association will endeavour to forward the object it has in view by using all legitimate means of influencing public sentiment both in Ireland and Great Britain, by taking all opportunities of instructing and informing public opinion, and by seeking to unite Irishmen of all creeds and classes in one national movement in support of the great national object hereby contemplated. (5) It is declared to be an essential principle of the association that, while every member is understood by joining it to concur in its general object and plan of action, no person so joining is committed to any political opinion except the advisability of seeking for Ireland the amount of self-government contemplated as the object of the association.”

I will not stop to point out to your Lordships the

essential difference between that scheme and the scheme for the restoration of Grattan's Parliament, which was known by the name of the Repeal Movement, because you will recollect under the constitution of that Parliament Ireland had the right of independent negotiation in foreign treaties, the right to control an army and navy of its own, if it thought fit to raise it, and other matters of that kind ; but under the federal arrangement here proposed the object was to secure for Ireland—to put it in a sentence—a potential and effective voice in legislating in her own domestic concerns in an Irish Assembly.

William  
O'Brien  
and John  
Dillon.

My Lords, there are some other names I must mention—the names of William O'Brien and of John Dillon. Neither of them, for they are younger in years than those I have mentioned, had, I believe, ever been connected with any previous political movement, and the same remark applies to Mr. Sexton. They had never been members of any secret society or organisation. Mr. O'Brien was a newspaper man. Mr. John Dillon was a man who had claims to the respect of the people of Ireland, for his father, in times of trouble and unfaithfulness, had been true to his trust as an Irish representative, and Mr. John Dillon was, as Mr. O'Brien, bred and educated as a gentleman, educated to the medical profession. Both of these men were ardent, and believed that they could do something, hoped that they could do something, to alleviate the condition of their country and their countrymen. They have been called enthusiasts—sometimes called fanatics. Well, my Lords, they were enthusiasts. They may not have been always wise, they may not have always said or done the most discreet thing at the most discreet moment, but they were men full of zealous and unselfish purpose to do what became

honourable men to do to help those who needed help.

My Lords, there is room in this world for more enthusiasts. Our age, our time, our habits of life constitute an existence selfish, dull, material enough, and it is enthusiasts who lift us at times out of ourselves, and do something to relieve that general tone of selfish materialism which I am afraid is a growing characteristic of these days. And after all, my Lords, it is enthusiasts who have sounded the trumpet in times gone by, and who will in times to come do it ; who have sounded the trumpet when any great cry of humanity has gone forth, and any great effort for human redress has to be made. I need not defend them from this charge. I think they are guilty of being enthusiasts—unselfish, earnest enthusiasts.

I must mention two more names, my Lord. Mr. Michael Davitt is the son of a Mayo peasant. He has had a stormy and a trying life. He is a man of conspicuous ability and of education, which in difficult circumstances he has procured for himself ; and perhaps, beyond the resoluteness of character and the ability which he has displayed, perhaps his most remarkable characteristic is this, that in spite of it all he has no rancour in his disposition, and he has shown his willingness from time to time unselfishly and ungrudgingly to give unrequited labour where labour could help the afflicted and oppressed.

My Lords, his recollections of Ireland, which go a long way back, are sad recollections. His recollection is of a child of five or six years of age flung on the roadside with his father and his mother, victims of an eviction, and of the deep wailing of his mother and the fierce anger of his father when he, with all the little

property which belonged to him, was flung out on the roadside by his peasant home. His next recollection is even sadder still. It is the recollection of being led by his mother's hand to the poorhouse in Galway, and his mother turning indignantly from the official who told her she could have no admittance there unless she was willing to be separated from her child. For, my Lords, in those days the poor law in Ireland was worked not merely as an instrument for the relief of distress, but as an instrument for degrading proselytism. Mr. Davitt next found himself in a busy manufacturing town in Lancashire, and there he suffered, still of tender years, that physical injury which would have broken down the spirit and the resolution of a less brave man. He has struggled on. Without fear of contradiction, I say that the whole course of his life may be examined, and, among those who have come in contact with him, not one will be found to say that he has been unfaithful to any trust, or has been guilty of any dishonourable action. Like several of those whose names I have already mentioned, he, too, in 1865, young, enthusiastic, joined the Fenian movement. He avows it, and I daresay if pressed would still say, that if despair of constitutional effort seized his soul as it possessed him then, that failing any field for useful work for his country and his countrymen, he would become a Fenian again. He, my Lords, has suffered for his sins, and he desires to have, and is rejoiced in having on this occasion the opportunity in the witness-box of explaining upon his oath one imputation which has been made upon him—that of complicity or of contemplated complicity with assassination, which he will show to your Lordships, as I am instructed, to be absolutely without foundation. My Lords, he has suffered many years' imprisonment. To men of weak

moral fibre that imprisonment would have been ruin. To him it has been an opportunity, which he has nobly embraced, for the forming of his character, for the widening of his mind, for the strengthening of his resolutions for good, and has been but an opportunity of adding to his capacity to serve his fellowmen. He, my Lords, also is one who joined Mr. Parnell in the Land League movement.

The last of those to whom I have to refer is Mr. Parnell himself. Mr. Parnell has hereditary claims to the esteem and gratitude of the Irish people. His great-grandfather, Sir John Parnell, was the last Chancellor of the Exchequer in the Irish Parliament, and rather than be a party to that act of betrayal he surrendered his office. His grandfather, Mr. William Parnell, was the author of one of the noblest tracts that I have ever read : he, a Protestant gentleman, knowing his Catholic fellow-countrymen, published in 1807 the well-known Historical Apology for the Irish Catholics, in which he defended them successfully from the charge of bigotry and religious persecution, and described them, as I believe, truly but briefly as the only people who, having been foully deprived of political rights and freedom, had, upon the resumption of those rights, not used that freedom and those rights for the purposes of persecution.

Charles  
Stewart  
Parnell.

My Lords, the father of Mr. Charles Parnell, the son of the author whom I have just mentioned, married a lady of distinguished lineage. The mother of Mr. Charles Parnell was a daughter of the first American admiral, Charles Stewart, whose ship, the *Iron-sides*, holds in the history of the American navy the same proud place that Nelson's *Victory* holds in the history of the English navy.

Mr. Parnell was educated at Cambridge, served the

office of high sheriff, as his father and his grandfather before him had done, in his county, Wicklow, and in 1875 he entered Parliament.

I pause for a moment to repeat my question. The answer to it resolves the pith and marrow of the question which your Lordships' Commission has to decide. You have these men—Mr. Biggar of Belfast, trader ; Mr. Patrick Egan of Dublin, tradesman ; Mr. John Dillon, the medical student ; Mr. Thomas Sexton, the literary man ; Mr. William O'Brien, the newspaper editor ; Mr. Michael Davitt, the peasant's son ; Mr. Charles Stewart Parnell, whose history and whose lineage I have given you. What brought these men together ? What was the tie between them ? What was the link that associated men presumably dissimilar in tastes, different in station, different in degrees of education ? What brought them together ? Again I put it. Is it true—for that is the case of *The Times*—that these men came together on the public platform, binding themselves together as criminals to violate the law, and to do that under the sham and pretext of a social movement ? If they did so, they deserve all condemnation that may fall upon their heads. But do you believe it ? Is any man so blinded by passion and by prejudice as not to see that there was a common impelling motive with these men, and that common impelling motive was the great national calamity which was then pressing upon their country, and which they, as men, were bound to do what they could to mitigate or to avert ?

My Lords, I must follow out the career of Mr. Parnell in brief, from his entry into Parliament, as representative for the county of Meath in the year 1875, and, if I am not greatly mistaken, that career will reveal Mr. Parnell in the true and, I think, great and remarkable proportions of a

Conspir-  
acy ?

constitutional Parliamentarian of great power, of great statesmanship, of remarkable foresight. He came into Parliament at a time when Mr. Isaac Butt—who had undoubtedly done noble work in his day, and to whom the memory of the Irish nation looks back with gratitude—at a time when Mr. Butt, far advanced in years, and perhaps unwilling to embark in fresh enterprises requiring great exertion and great resolution, had a Parliamentary party, a portion of which undoubtedly were honest thoroughly honest, in the profession of their political views, and another part of which unquestionably were classed, under the name given to them by another distinguished statesman, as being “nominal Home Rulers,” and who thought that they satisfied all the exigencies of their position by taking part in an annual division, on the question of a committee to inquire into the relations between Ireland and England.

My Lords, Mr. Parnell was impressed with the view—as events proved, rightly impressed with the view—that the first need, the first necessity to make any impression on the public mind of England and on the Parliament of England was to force in season and out of season upon public attention questions relating to Ireland which he believed to be urgent; and he also from the outset resolved on taking part, a leading and prominent part, in the discussion of questions which, although they related to Ireland, did not exclusively relate to Ireland.

One of the first measures in which he took a prominent part was the discussion of the Annual Mutiny Bill as it used to be called, or the Army and Navy Discipline Bill as it is now called. He found that that Bill had passed in previous sessions of Parliament as a matter of course. He found it was loaded with obsolete and many, as he believed, inhuman provisions, and he set himself to its

reformation, and obtained ultimately the appointment of a committee—of a strong committee—the result of which was amongst other things the abolition of flogging in the Army and Navy.

That, my Lords, was in the years 1876, 1877, and 1878, and, I think, flogging was abolished, as far as I recollect, in 1880. In 1877 he took a strong interest in the discussion of the Prisoners' Bill, brought in at that time by, I think, the present Lord Cross, then Sir Richard Cross, and Home Secretary for England; and as the result, to begin with, of his efforts, aided undoubtedly by others in co-operation with him in the House, he introduced a number of humane provisions for the treatment of prisoners awaiting trial; for the treatment of prisoners tried for sedition or seditious libel; of prisoners who were charged with committing contempt of court, dealing first with the prisoners awaiting trial in seditious libel and contempt of court, and then for the better treatment of persons convicted of those offences.

A little later when Mr. Isaac Butt had left the scene, after a short interregnum, during which Mr. William Shaw was the nominal leader of the Irish Party, Mr. Parnell, in 1880, was elected its head and president.

I will give your Lordships presently the actual formation of the League, who the persons were who assisted at its birth; but I should like here boldly to state the views upon which Mr. Parnell acted in this and in every other public movement of his life. He knew, as your Lordships now know, though I fancy the story may probably have been new to some of your Lordships, the feeling which largely existed in the Irish mind in relation to the hopelessness of reform through Parliamentary action. He knew the feeling that

existed in the Irish mind arising from the fact that at a period of open voting, and with a narrow and restricted franchise, sacrifice after sacrifice had been made to return members to Parliament, and that those sacrifices had been unproductive of any beneficial result to the country. He felt that the first necessity was to create a strong, healthy opinion in Ireland, in the words, which I yesterday referred to, of Chief Baron Woulfe, "an opinion racy of the soil," which should help to create, and having created, help to maintain, the Irish party independent of either great political party in this country. And in the formation of the League and the selection of his colleagues in Parliament, knowing as he did the history of the disasters of the Fenian movement, but knowing, as he also did, that those men had taken part in that movement in utter despair, and were prompted to indiscreet methods by no selfish reason, he resolved, and has from the beginning to the end resolved, to act upon the principle of inviting into his open constitutional movement every man, whether he had been a man of the Young Ireland party in 1848, or of the Fenian movement of 1865-67—of every man, whatever his creed, whatever his antecedents, whatever his political associations, provided always and only he was earnest to work honestly in such constitutional movement for the good of his country.

My Lords, one thing can truly and proudly be said by Mr. Parnell in his evidence in that regard. He created and he maintained such a party; they have been independent of either party in the State. Whatever else in the way of fault-finding may be alleged against them, it has not been alleged—cannot be alleged—that they have been tainted by corruption; it has not been alleged—cannot be alleged—that they have betrayed

their trust ; it has not been alleged—cannot be alleged—that they have violated any promises or undertakings by which they received the support—the remarkably unanimous support—of the Irish people who sent them to Parliament.

I now come to the formation of the League, and to the means and the objects which by its constitution it proposed.

## IX.

### THE IRISH NATIONAL LAND LEAGUE

I HAVE endeavoured to lay before your Lordships the state of things which, we submit, justified the creation of some local, strong, defensive body amongst the tenant class, and the representatives of the tenant class, in Ireland.

That organisation ultimately became known under the name of the Irish National Land League, and I have now to lay before your Lordships, and I think I am right in saying, to lay before you for the first time, the written constitution and the published aims, object, and means, of that organisation.

It was established formally on the 21st October 1879. It was suppressed formally in October 1881. Established Oct. 1879.

Previous to October 1879 there had been several meetings—the earliest I think, in Mayo, at Irishtown—at which the need for such an organisation was discussed. Other meetings were held in other places, at some of which Mr. Davitt assisted, and undoubtedly Mr. Davitt has been called, and rightly called, the father, the parent of the Land League.

My Lords, Mr. Parnell, I say at once, did not readily give his assent to its formation or to its programme; not in the least because he failed to realise the necessity for some such organisation, but he had a distrust that

was natural. He had never taken part in any popular movement of the kind. He is essentially, and by temperament, by accomplishments, by character of mind, a Parliamentarian. I say it plainly, that while he possesses the distinguished and distinguishing qualities of a statesman, he lacks many of those qualities which one is apt to associate with the idea of a great popular leader of a great popular movement. He is impassive ; he lays no claim to eloquence to move multitudes, although he does unquestionably possess some other and greater qualities — discernment, resolution, foresight, self-control, prudence.

After consideration he joined, and joined heartily, in the movement, and became its president. He foresaw, as any one must foresee, that in any great popular upheaval there will be difficulties and disturbances, and that there will attach itself to the fringe of such a movement men possessing sympathy with its objects, but having ideas of their own.

The meeting of the 21st October, at which it was inaugurated, was held in the Imperial Hotel, Lower Sackville Street, Dublin, Mr. Andrew J. Kettle, Poor Law Guardian, in the chair.

The resolutions were as follow:—

Proposed by the Rev. Father Behan, and seconded by Mr. William Dillon, Barrister-at-Law, "That an association be hereby formed, to be named 'The Irish National Land League.'"

Proposed by Mr. William Kelly, seconded by Mr. Thomas Roe, "That the objects of the League are, first, to bring about a reduction of rack-rents ; second, to facilitate the obtaining of the ownership of the soil by the occupiers of the soil."

Third.—Proposed by Mr. Parnell, and seconded by the Rev. Father Sheehy, "That the objects of the League can be best attained by promoting organisation among the tenant-farmers, by defending those who may be threatened with eviction for refusing

to pay unjust rents; by facilitating the working of the Bright clauses of the Land Act (that is, the Act of 1870) during the winter, and by obtaining such reform in the laws relating to land as will enable every tenant to become the owner of his holding by paying a fair rent for a limited number of years."

My Lords, I will anticipate by saying that that resolution has been to a great extent carried into effect, and that the concluding portion of that clause, namely, the turning of the tenant-occupier into the owner of the fee-simple of his holding by a limited payment over a limited number of years, is now the adopted policy of one of the great parties in the State, I might almost say of both, and has in part been carried into effect.

Proposed by Mr. Sweetman (this is the fourth resolution), seconded by Mr. T. D. Sullivan, "That Mr. Charles S. Parnell, M.P., be elected president of this League."

Proposed by Mr. George Delaney, seconded by W. H. Cobbe, "That Mr. A. J. Kettle, Mr. Michael Davitt, and Mr. Thomas Brennan be appointed honorary secretaries of the League."

Fifth.—Proposed by Mr. Patrick Cummins, Poor Law Guardian, seconded by Mr. Lawrence M'Court, Poor Law Guardian, "That Mr. J. G. Biggar, M.P., Mr. W. H. O'Sullivan, M.P., and Mr. Patrick Egan be appointed treasurers."

Sixth.—Moved by Father Sheehy, seconded by Mr. Michael Davitt, "That the president of this League, Mr. Parnell, be requested to proceed to America for the purpose of obtaining assistance from our exiled countrymen, and other sympathisers, for the objects for which this appeal is issued."

Seventh, and last.—Proposed by Mr. Thomas Ryan, seconded by Mr. J. F. Grehan, "That none of the funds of this League shall be used for the purchase of any landlord's interest in the land, or for furthering the interests of any Parliamentary candidate."

I may say at once, my Lords, that that concluding resolution was afterwards rescinded or modified; but in the succeeding election of 1880 only modified to the extent of permitting the appropriation of a sum of, I

think, about £2000, which was the sole Parliamentary Candidate Fund which the Irish party had at their disposal at that election for the whole of Ireland.

There was also then formed a committee, and I wish to read to your Lordships that committee, comprising names well known in Ireland, and they are representatives of the whole of Ireland.

The Committee. " Committee—Charles Stewart Parnell, M.P., President, Avondale, Rathdrum.

" Other members—Purcell O'Gorman, M.P., Waterford ; John Ferguson, Glasgow [that is a gentleman who has been referred to, and he will be referred to by me later on] ; the Dean of Cashel, W. Quirke ; Dr. Cummins, of Liverpool ; Matthew Harris, of Ballinasloe ; the Very Rev. Canon Bourke, P.P., Claremorris ; J. O'Connor Power, M.P., London ; Rev. John Behan, C.C., Francis Street, Dublin ; Richard Lalor [now a member of Parliament, not then in Parliament], Mountrath ; J. L. Finegan, M.P., London ; Rev. E. Sheehy, C.C., Kilmallock ; J. J. Louden, Barrister-at-Law, Westport ; O'Gorman Mahon, M.P., London ; John Dillon, North Great George Street, Dublin ; the Rev. W. Joyce, P.P., Louisburgh, County Mayo ; N. Ennis, M.P., Claremount, County Meath ; Thomas Roe, proprietor of the *Dundalk Democrat* ; Dr. J. R. McClosky, Londonderry ; George Delaney, Burlington Road, Dublin ; T. D. Sullivan, now member of Parliament, *Nation*, Dublin ; James Byrne, Wallstown Castle, Cork ; Dr. J. E. Kenny, Lower Gardiner Street, Dublin ; Mullahallen Marum, J.P., Ballyragget, now member of Parliament ; P. F. Johnston, Kanturk ; the Rev. M. Tormey, Painstown, Beauparc ; the Very Rev. Canon Doyle, P.P., Ramsgrange ; Philip J. Moran, Finea, Granard ; O. J. Carraher, Cardestown, County Louth ; the Rev. J. White, P.P., Milltown-Malbay ; P. Cummins, Poor Law Guardian, Rathmines ; James Daly, Poor Law Guardian, Castlebar ; P. M. Furlong, C.C., New Ross ; Thomas Ryan, Great Brunswick Street, Dublin ; James Rourke, Great Britain Street, Dublin ; Richard Kelly, proprietor of the *Tuam Herald* ; William Dillon, North Great George Street, Dublin, Barrister-at-Law ; I. J. Kennedy, T.C., Clonliffe Terrace, Dublin ; M. O'Flaherty, Dunoman Castle, Croom ; John Sweetman, Kells ; M. F. Madden, Clonmel ; J. C. Howe, London : Rev. Thomas Lynch, Painstown, Beauparc ; J. F. Grehan,

Poor Law Guardian, Cabinteely, County Dublin; the Rev. D. Brennan, Kilmacow, County Kilkenny; William Kelly, Donabate, County Dublin; C. Reilly, Artane, County Dublin; L. M'Court, Poor Law Guardian, Bolton Street, Dublin; Stephen O'Mara, Limerick; Thomas Grehan, Loughlinstown, County Dublin; M. K. Dunne, C.C., Enniscorthy; M. J. Kenny, P.P., Scariff; R. H. Medge, Athlumney House, Navan; Michael A. Conway, afterwards member of Parliament; the Rev. A. Conway, P.P., Skreen, County Sligo.

“Treasurers—W. H. O’Sullivan, M.P., Kilmallock; J. G. Biggar, M.P., Belfast; Patrick Egan, 25 Synnot Place, Dublin.”

The honorary secretaries I have already mentioned.

I have troubled your Lordships with the enumeration of these names for one reason principally. It is to state that of the whole of the number of this committee which formed the initial executive of the League there are only, as I am informed, and as far as we know, some five names out of the entire number who had ever been connected with any secret organisation whatever, and I mention the names therefore in detail, so that if it be thought fit to question it, or if there be ground for questioning it, it may be done.

My Lords, at that same time there was circulated an “Appeal to the Irish Race.” I will read every document, because I desire, as I think I have more than once satisfied your Lordships I desire, really to get, as we have embarked on this enterprise, to the bottom of the entire matter. This document, my Lords, was circulated and was headed, as I have said, an “Appeal to the Irish Race,” issued under the sanction of the Executive.

“The land and rent agitation which has originated in the west Appeal to the Irish Race. of Ireland, and is rapidly spreading throughout the country, has now assumed such national proportions that it becomes a question of first importance to all who sympathise with its legitimate objects, how best to guide this popular movement to the attainment of

those ends. Temporary abatements of excessive rents are being, and may continue to be, obtained through the various agencies of a sympathetic but unorganised advocacy, which the existing widespread and alarming distress elicits from the press and bodies of the community ; but without the creation of some constituted guide or directing influence, the primary, if not the sole cause of the existing poverty of the agricultural classes will not be removed.

“Independent of the effect which the products of the vast free lands of America and other favoured countries must have in competition with the produce created under rent-tied and paralysing conditions in Ireland, almost all the evils under which her people suffer are referable to a land system glaringly antagonistic to the first principles of justice and fair government, which place the good of the greatest number below the privileged gratification of the few. Landlordism, founded as an institution of systematic partiality, has proved itself but too true to the spirit of its origin by reducing all who are dependent on, but unprotected by, ownership of the soil, to a degraded, semi-mendicant existence, and, in addition, includes the loss of that independent character which arises from an independence of position.

“The duties which feudal laws and customs exacted in return from those in whom they recognised certain arbitrary rights, have been ignored by Irish landlordism in its relations to the soil and those dependent upon the fruits of its cultivation, thus adding to the other indictments against the system a non-fulfilment of essential obligations.

“Any land system which does not tend to improve the value of land and enable cultivation to meet the exigencies of those dependent upon its produce, stands self-condemned as barbarous, unjust, and reprehensible.

“The diminished population of our country, the millions of our race who perished in or fled from a land in which God intended they should not die by hunger ; the continued struggle with poverty, which those have to maintain who yet cling to their native soil, and the periodic climaxation of the impoverishing influences which landlordism exercises upon the social life of Ireland, demand at last, in face of yet another impending national calamity, the application of a remedy which can no longer be denied for the salvation of a people. In contrast to the social wretchedness to which a barbarous land system has reduced our country is

the rapidly progressing prosperity of those peoples at whose demand, or for whose benefit such a system has been swept away, and the cultivator of the soil has replaced the landlord as its proprietor. The surplus produce of lands thus freed, and agricultural industry thus relieved from its rent-taxation, is now placed by easy transit over sea and land in competition with what is produced under conditions of land tenure the most unfavourable, and incentives to toil the least encouraging, that ever regulated the chief industry of any civilised country. When to this is added the adverse influences of successive bad seasons, on the point of culminating in what threatens to be the worst yet experienced since famine years, the position of the Irish farmer and those depending upon the fruits of his enterprise and labour assumes an aspect of menacing ruin, which to consider as transient or accidental would be a criminal disregard of the vital existence of a people. Impelled by the desperate circumstances of their situation, the farming and other classes concerned have proclaimed their grievances in public meetings and by the press, demanding the remedies which alone can redress them. A consensus of opinion, apart from immediate interestedness, has declared that the remedy put forward by the present agitation is founded on justice, reason, and expediency, and that its application is absolutely essential to meet the evils complained of and insure the prosperity and contentment of Ireland. In formulating a demand for ownership of the soil by the occupiers in substitution for that of the landlords, the people of Ireland neither contemplate nor ask for the confiscation of those proprietorial rights which existing laws must necessarily recognise and protect; but that for the transfer of those rights to an industrial ownership, a fair compensation may be given to those who shall be called upon to agree to such transfer for the settlement of the agrarian strife of the country, and for the supreme good of its people.

“To carry out a project as vast as that which we contemplate must require means in proportion to the difficulties that must be encountered in the undertaking. Tenants defence associations must be organised in every county, and assistance be rendered to farmers who may be called upon to defend themselves against an unjust or capricious exercise of landlord power. The wealth of Ireland is almost entirely in the hands of that class which we purpose for the good of the country to deprive of the absolute possession of the soil, and it is but natural to expect that strong

and influential opposition will be offered by those who will be called upon to surrender the privileges they have so long enjoyed, even in virtue of compensation and expediency. To meet this opposition, and guide the national movement for freeing the land of Ireland, assistance of two kinds must be forthcoming. The first and most essential kind is an organised development of earnestness, and a resolute attitude on the part of the six hundred thousand landless farmers of Ireland, as well as those whose daily bread depends upon the prosperity of their fatherland, in demanding their just rights as guaranteed in the settlement we propose. The second aid required is money. Neither has ever been wanting when the national spirit of our country and the patriotism of her exiled sons have been appealed to in a patriotic cause, and we are confident they will not be withheld now when the very soil of Ireland is the object we desire to free and the land slavery of our people the thing we are resolved shall be abolished for ever. None of our race have had such bitter experience of the wrongs of landlordism as those who have been compelled to seek abroad the food denied them at home, and none should more readily and generously sympathise with those who are resolved to retain a firm grip of their Irish homesteads than the exiled who were forced by iniquitous laws to leave them.

"In the great shelter-land of peoples ten millions of the Irish race have found a home. The system we aspire to abolish has banished them from Ireland. Benefiting by laws which afford equal protection and encouragement to all citizens of the great Republic of America, they can appreciate the efforts which aim at affording equal incentives to progress to their crushed and persecuted kindred here.

"Not alone to our fellow-countrymen in America, but to all whom evil laws have scattered the world over, as well as to all other nationalities who sympathise with a wronged and impoverished people who at last are resolved upon a remedy for the evils afflicting them, do we call for an advocacy of our cause and support in our efforts to achieve success.

"In constituting ourselves a committee for the purpose of carrying out this work we are animated with but one desire, to aid the tenant farmers and those depending upon the soil of Ireland to lift themselves from the misery and social degradation in which they are plunged into a position where the notice to quit and the

rack rent will not operate against their industry, security, and contentment. We are influenced by no party spirit in making this appeal, nor do we in any way purpose to place this committee in antagonism with existing bodies or organisations employed in other departments of national labour. To free the land of Ireland from the unwise and unjust restrictions which militate against its proper cultivation, and prevent the development of its full resources, should be a labour above the customary influences of party or sectional strife, and to be guided alone by motives of disinterested effort for the benefit of our common country, and the improvement, contentment, and prosperity of the greatest number of our fellow-countrymen.

“The grounds upon which we feel authorised to issue this appeal are the fact of our being either directly or indirectly connected with the agitation which has sprung from the distress that has evoked a national condemnation of the present land system. As this land movement has won an endorsement from public opinion of an occupying proprietary settlement of the Land Question, those who have advocated such a remedy prior to and in conjunction with the national demand now made for it, feel themselves justified in taking such steps as may be best calculated to insure its application to the existing land evils of our country. In pursuance of this intention we issue this appeal to Irishmen the world over, and to those who sympathise with the object in view, to aid us in our efforts to obtain for our people the possession of an unfettered soil, and for Ireland the benefits which must result from an unrestricted development of its products and resources.”

My Lords, that was issued immediately after the meeting which I have mentioned to you. I have to read in that connection also the rules which were at that time formulated. They are headed—

“THE IRISH NATIONAL LAND LEAGUE

“Offices: 62 Middle Abbey Street, Dublin

“Branches of the Irish National Land League should be established in every parish, or in groups of parishes, in Ireland.

## RULES FOR THE GUIDANCE OF BRANCHES

## I.

“That a president, vice-president, treasurer, and secretary, and with them not less than seven members, be elected a committee for the general management of business.

## II.

“That the officers shall be elected for the term of one year, subject to removal by a vote of the members of the branch.

## III.

“That the election of officers shall take place by ballot.

## IV.

“That the membership subscription shall not be less than one shilling each year, the subscription being based on Government valuations, as follows:—One shilling annually for first £5 valuation and under, and an increase of one shilling for every additional £10.

## V.

“That all branches affiliated to the League shall forward, on the first day of each month, half of the funds in hand, and with it a monthly statement to the Central Executive.

## VI.

“That the treasurers shall in all cases furnish members with regular Land League receipts for full amount of subscriptions paid, on forms supplied by the Central Executive, the counterpart of which shall be forwarded to the central offices.

## VII.

“That all cards of membership shall be supplied by Central Executive, and will be furnished when Rule VI. has been complied with.

## VIII.

“That no person shall be admitted to membership who does not give his adhesion to the principles of the League.

## IX.

“That no one taking a farm from which another has been evicted for non-payment of unjust rent shall be allowed to become a member of any branch of the Land League.

## X.

“That any member of a branch bidding for, or occupying a farm from which a member or non-member has been evicted, or who shall rent land which a member or non-member may have surrendered on grounds of excessive rent or upon a refusal of a fair reduction of a rack rent, shall be expelled the branch for such action.

## XI.

“That no man assisting to serve processes of ejectment, or taking part in any eviction, or purchasing stock or produce seized for non-payment of a rack rent, be allowed the membership of any branch. Any member of a branch proved guilty of any of the foregoing acts to be at once expelled.

## XII.

“That the managing committee of each branch of the League should keep a register of the members, particulars of their holdings, names of their landlords and agents, amount of rent paid annually or otherwise, excess of same above Government valuation, cases of rack renting and eviction, and all the necessary particulars touching the relation of landlords with their tenants in the locality of such branch of the League, in books to be supplied by the Central Executive.

## XIII.

“That all sectarian discussions be excluded from meetings.”

My Lords, about the same time, on the 5th of November 1879, the following address was issued :—

“ TO THE FARMERS AND ALL INTERESTED IN THE SETTLEMENT  
OF THE LAND QUESTION

“ Having addressed the exiled of our race in behalf of the movement which has been initiated for the redress of the land evils of our country, we now venture to appeal to you for practical assistance in the efforts we are making towards securing the soil of Ireland for those who cultivate it.

“ No more favourable opportunity has ever presented itself to our people for the settlement of a momentous national question than that which is now offered by circumstances the most propitious for a radical reform, existing in conjunction with an extraordinary popular agitation demanding the justice of its concession.

“ The first industry of our people is paralysed. Foreign competition has supplemented the disastrous effects of bad harvests, and produced a crisis which renders it almost impossible for farmers to meet their rental obligations. Agitation has had to be evoked to demand reduction of rents which could not be paid. The price of land has also fallen in consequence of the lowering of farm produce, and the stand which the farming classes have been compelled to make for reduced rents.

“ Both will be continued to be lowered until rents are brought to a proper level and land to its fair value.

“ Will the people of Ireland lay a firm hold of this Land Question at the tide that is now approaching, and which will inevitably lead to a peasant proprietary, and thus insure for our country that prosperity and contentment which a free soil has produced in countries where landlordism has been abolished ?

“ We earnestly hope that those whom we address will prove themselves equal to the occasion. We at least are resolved to do our duty ; but if our efforts are not seconded by farmer and labourer, trader and mechanic, and all others whom a system must benefit that would create and foster an industry which is the main-spring of a people’s wealth, and would prove the panacea for the social evils arising from unemployed masses, we are hopeless of success.

“ The best arguments for obtaining help from our exiled countrymen and other sympathisers will be the practical efforts we at home will make to show our earnestness in the cause for which we solicit their generous support.

“ We call upon all who desire the success of this movement to aid us by their subscriptions and assistance. We ask only for what will show the sympathy of those whose helping hands are required in the work.

“ The agitation for the reduction of excessive rents must be sustained, so that the operation of natural causes may be assisted in bringing land to a fair valuation, in order to enable its cultivators to become the owners of their own farms upon terms within the means of every occupier.

“ For this and other purposes beneficial to the farming classes, organisation is required among them; and to sustain this land movement and encourage such organisation, as well as to render assistance when necessary to victims of landlord oppression, we have appealed for money to our banished kindred, and for these purposes and these alone we now appeal to you for whatever aid you can afford to render.

“ This is no sectarian movement, but one which, affecting alike the social well-being of Catholic and Protestant, should invite their emulative co-operation in efforts to achieve its success; nor is it exclusively concerned in ameliorating the condition of the farmer and agricultural labourer, but has for its scope the general advancement of every commercial interest, and the encouragement of every occupation in the industrial ranks of our people.

“ The attention of the civilised world will be directed on Ireland, to observe how she will work out this great social problem for the unfettering of land and labour, and the removal of those legal restrictions which prevent the soil of a country from producing the good for which it was created, thus making a struggle with poverty, through life, the penalty which the mass of mankind have to pay to evil laws for being born poor. Will Ireland be true to herself and equal to this task?”

That, my Lords, is signed by:—

“ CHARLES S. PARNELL,  
JOSEPH G. BIGGAR,  
W. H. O'SULLIVAN,  
PATRICK EGAN,  
A. J. KETTLE,  
MICHAEL DAVITT,  
THOMAS BRENNAN,

} Executive  
Irish National  
Land League.”

My Lords, one further address I must call attention to. Ulster, formerly in the van of every Irish popular movement, had of late years, owing to religious differences, which had been fomented by class interests, stood apart, or at least a great portion of Ulster had stood apart, and an address was about the same time specially made to the Ulster farmers in which they were reminded that this was a cause of common interest to them all, and invited them to lay aside the religious differences which had to some extent kept them apart from and out of sympathy with the rest of the people. I hope, my Lords, that this is the last document that at this moment I shall have to read.

#### “MANIFESTO TO THE PEOPLE OF ULSTER

“FELLOW-COUNTRYMEN—There is evidence that in parts of Ulster the opponents of land reform are endeavouring to create disunion between north and south. If these persons confined themselves to facts and fair arguments, the public would have no reason to complain, for this is an age when every principle and every public movement have to account for themselves before the bar of public opinion. But when men come forward who assume a tone of friendliness to the tenant farmers, and then strike at them from behind sectarian barriers, and from a platform with which the present land movement has no relationship either of alliance or antagonism, we think it right to protest against such conduct and repel the slanderous calumnies which have been heaped upon us, and upon the just and noble cause with which we are identified. We are accused of agrarian crime by the class who, as landlords, have been willing instruments in committing the greatest agrarian crime that (we quote the words of *The Times*) ‘ever one nation committed against another.’ We are accused of sectarianism by men who, in the same breath and on the same platform from which they make these charges, apply themselves to the satanic work of striving to create discord and hatred between people who conscientiously differ in matters of religion. To the first of these

charges we answer that agrarian crime is the natural outcome of our present land system, and those who sustain that system are responsible for the crimes that spring from it. The second charge, that of sectarianism, we brand as a foul and malicious falsehood, and challenge the traducers of ourselves, and those who co-operate with us, to point out a single instance in which sectarianism has shown itself in our proceedings, or as being the effect of our proceedings. Every observer who has followed the course of our present agitation must be aware that Catholics—even the Catholic hierarchy and priesthood—are as much divided on the great question we advocate as if they were not members of the same religious community, a portion being anxious to retain a territorial caste, while others lean to the side of a peasant proprietary. As a matter of fact, the present agitation has resolved itself into a struggle, pure and simple, between the tenants and their friends on the one side, and the landlords, Protestant and Catholic, and their supporters, on the other. That the state of feeling we here describe exists throughout the other three provinces was clearly shown at the late general election, when, as in Roscommon, Mayo, and other places, Catholic gentlemen of the staunchest type and the oldest families were unseated solely on account of their not being sufficiently advanced on the question of land reform. If, then, the Catholics of the south give such evidence of their willingness to ignore party ties ; if they assert their right to differ, and maintain their right to differ, from the highest dignitaries of their Church on the great question of the day, are they to be met with denunciations and distrust ? are they to be left to fight the battle alone and unaided by the men of the north ? We think not ; we believe they will be met half-way ; we believe the men of Ulster will show the world that in the cause of justice, in the interest of the oppressed tenant farmers, they can raise themselves above the level of sectarian prejudice or party welfare. In this address we would prefer not touching on the question of religion, nor would we do so except to rebut falsehood and make known the truth ; and as some of the exaggerated statements put forward are calculated to mislead persons who do not look below the surface, we would meet these statements by calling attention to a few important facts—facts which should be known to every farmer in Ulster. The first of these we take from the *English in Ireland*, by Mr. Froude, who states that 'In the two years which followed the Antrim evictions,

30,000 evicted Protestants left Ulster for a land where there were no legal robbers, and where those who sowed the seed could reap the harvest.' The Antrim evictions took place in 1772. The highest delinquents in those evictions were Lord Donegal and Mr. Upton, whose descendants are now foremost in hostility to the Land League. The second authority we give is Thom's *Almanack*. Those who consult it for the present year will find that, leaving out the period of the famine, the number of emigrants who left Ulster from the 1st May 1851 to the 31st December 1878 was 732,807. It will also be found that from the year 1841 to 1871 the number of holdings above 1 acre and up to 15 decreased by 103,941 in the province of Ulster. These figures require no comment; they tell plainer than we can how dearly the Protestant landlords of Ulster love the small farmers of Ulster. With these facts before their minds, we would ask the clear-minded, common-sense farmers of the north to judge of landlordism, not by its professions in the present, but by its conduct in the past. We would ask them to reflect calmly on the future, when, as Mr. Cousins, United States Consul at Birmingham, states, in an official report to his own Government, the British farmer, even if rents were abolished, would not be able to pay taxes and compete with America. This statement of a disinterested party, of a Government official to the Government he represents, is pregnant with meaning to the Irish farmer. It tells plainly that in the near future landlord and tenant cannot co-exist in these islands; that Ireland must become one vast pasture land in possession of an idle, extravagant landocracy, or a land covered with comfortable home-steads—homesteads in possession of contented, industrious farmers—industrious, because they no longer save that others may waste; contented, because they no longer toil that others may live idle. On this plain issue we have taken our stand; on this plain issue we appeal to the men of the north; we appeal to them as countrymen and brothers; we ask them to be with us in this great contest; to stand by us in this the hour of trial. We ask them to share our labours and our dangers, as, should victory crown our efforts, and crown them it must, we would ask them to share in the benefits and in the glory of our triumph."

My Lords, that was issued about two months after the formation of the League. I cannot give you the

exact date, but at the end of 1879 or at the beginning of 1880.

My Lords, I think I am justified in saying that, if this was a criminal conspiracy, it certainly has features about it which distinguish it from every criminal conspiracy the world has ever known. It is open; it is public; its programme, whether you agree with it or not, is not a wicked programme. There is no concealment about its aims; there is no concealment about its means. It is true that one large and influential class in Ireland did not at the earlier stages join that movement in great strength—I mean the Catholic bishops and the Catholic priesthood. A very large number of both were its friends from the first; but when it became manifest, after the rejection of the Compensation for Disturbance Bill, to which I yesterday referred, that Parliament could do nothing by way of protection for the tenant class, then in all their strength, and in all their fulness, the clergy of Ireland, of all ranks and conditions, with hardly an exception, even amongst its higher hierarchy, gave their sympathy and their support to this movement.

Now, my Lords, one observation, one suggestion, may possibly be made. Of course one might naturally apprehend difficulties from every popular movement of the kind, and one might perhaps apprehend, especially in a movement which addressed itself to the personal interests of the class most largely affected, and whose co-operation was most largely sought, that there might be unjust and illegitimate use of the machinery which its organisation unquestionably formed. That, my Lords, is only saying that in every work of reform for which agitation is necessary, evils may arise; and I state, in order to meet it fairly, the proposition thus: Is a man,

is a body of men who are impressed with the necessity of making a supreme effort to avert a great impending calamity as they believe—an effort to permanently remove a great social evil, and to attack the source and spring from which crime and misery in the past have been shown to flow—are they as men, as moralists, because of such possible incidental evils, bound to stay their hands and do nothing?

My Lord, if such reasoning were to prevail, many crusades against despotism, many an effort to redress human grievances, would not, could not have been undertaken. Even in more settled communities like that of England, there has been no great popular movement, whether it was for reform, whether it was for free trade, whether it was for establishing the rights of the working artisans to free combination and to joint action, there is not one of these that has not had accompanying it the incidental evils of disturbance and crime.

Perhaps the noblest vindication of the right of man—of the duty of man to embark upon popular movements, when there is the need for popular movement, and not to be withheld from effort because of incidental ill consequences that may follow, the noblest and the best, perhaps, is that written by Mr. Mackintosh, afterwards known to the world as a great jurist, Sir James Mackintosh.

Your Lordships will recollect that that distinguished man, Edmund Burke, carried away by the contemplation of the grievous excesses which followed the French Revolution, condemned, and strongly condemned, and even attributed to the authors of that revolution all the excesses, the evils, the crime, the misery that followed it; and in his *Vindiciæ Gallicæ*, in answer to that view

of Edmund Burke, Sir James Mackintosh puts this question:—

“Has any moralist ever pretended that we were to decline the pursuit of a good which our duty prescribed to us because we fore-saw that some partial and incidental evil would arise from it?”

I have thought it right to make this point; but I would remind your Lordships, even if my argument does not, as I hope it will, carry weight with your Lordships, that you are not here sitting as moralists to judge of moral responsibility. Your Lordships are here as judges to try a distinct, unequivocal charge of direct complicity with crime.

Your Lordships will recollect that the concluding resolution at the meeting of October 1879 conveyed a request to Mr. Parnell to go to America and make an appeal to the American people in aid of this movement. I am not at this stage going to embark on the consideration of what I may call the American branch of the question. I have referred to it incidentally as it occurs in the order of time, and only in that way.

Mr. Parnell did, in the end of the year 1879, go to America. He addressed many meetings, and, as has already appeared in part, but will appear in fuller detail later, he had an unparalleled reception. All classes in that great community received him, listened to him with sympathy, extended to him practical aid. He had the rare honour of being allowed to address Congress at Washington. Before his departure from America—on the very eve of his departure—he gathered together round him in New York a number of men representative of various shades of political opinion in America, and of various shades of political opinion in relation to Ireland: and I again repeat that the principle—the right and just principle, as I submit—upon which he proceeded

was to exclude no man, whatever his antecedent political opinions or political action had been, from joining the movement, who showed his willingness to join it, and who undertook to give to it honest service.

I would remind your Lordships again of the description given by no friendly pen of what the composition of that American Land League was. I say no friendly pen, because his writing forms part of the libel in this case—I mean Mr. Bagenal. Speaking of the League, he says in *The Irish in America*, after stating that without the assistance of American gold the agitation could not have been started :—

“The Land League is there supported by every class of Irishmen. The organisation represents to them, according to each man’s political creed, the symbol of his national pride, or the instrument of his national revenge. All Irish societies have supported with their dollars this new departure in Irish politics. ‘From the skirmishers’ of the O’Donovan Rossa stamp, who hope to make the Irish Land League subservient to their own ends, up to the president of the Land League in America, Mr. Collins, a thoughtful, intelligent lawyer in Boston city, from the miner to the merchant, all contributed their money to the common idea, namely, that of obtaining at the very least for their native country the same privileges which each state in the union possesses in relation to the central government of America.”

Now, my Lords, I ask this question : Is it to be expected, is it in reason to be expected, that, in invoking aid to such a movement as this, Mr. Parnell was to require a certificate of previous political conduct from each man who came into his movement ? Was he to require some kind of test oath from the man who came into a movement perfectly open, perfectly legal, perfectly justifiable in its objects—objects which have since become part of the policy of the Government of the day—that he was to inquire and be expected to search into the

previous history and character of these men? He would be more than human, he would be less than a leader, to take any such course as that. Was he to refuse their assistance in money? The taunt has often been levelled, scornfully levelled, at the Irish party because of their poverty, and because they had to rely in great measure upon the help and support of the scattered kindred of their nation in other countries. Was he to refuse their help? Was he to say to them—You are giving me this money for a purpose, for an organisation over which I have control, yet I decline to receive it because you, whose hands present it to me, have been mixed up in previous, or may now be concerned in some political scheme with which I have no sympathy, and in which I can take no part? Did the Irish landlords scorn American money? Did the Irish landlords, when money was coming in hundreds of thousands, as it has come, from the sons and daughters of the farmers left behind in Ireland, helping them to eke out a miserable existence at home, helping them to discharge the burden of oppressive rents which they could not make out of the land—in those days did the landlords scorn the American money which came from these sources, and which went into their pockets?

Your Lordships have heard the evidence of one interested witness, whose evidence I shall deal with hereafter at length, and whose evidence I regard, in one branch at least of it, as the most important to the right understanding of Mr. Parnell's position that has yet been presented in this court—I mean the evidence of the spy Le Caron or Beach. Your Lordships have already heard from him of certain unconstitutional movements with which the Irish in America have been mixed up—the raid on Canada, the Fenian movement—of the strength and the breadth of which your Lordships have even yet had no

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adequate idea presented to you. When Le Caron tells us that the U. B. or V. C., or whatever it is to be styled, in 1885 had dwindled down to something like 18,000, but after the rejection of Mr. Gladstone's policy of reconciliation, as it has been called, rose again to 24,000 in the years 1886 and 1887, and is to-day more powerful at those figures than it had been before, how ridiculous and puny such an organisation seems side by side with the Fenian organisation, which, at the very lowest computation, in America had, in 1865-66, numbered between 200,000 and 300,000!

My Lords, Mr. Parnell will receive credit in due time. The gratitude of communities to public men is often melancholy in its retrospectiveness. It is not always that the merits of men are recognised in the day in which they live and in which they act. Their motives are misconstrued. Their aims are misrepresented. And within the last few days we have had a notable example of what one may call the posthumous gratitude of a nation, when by the grave of one of the greatest men whom this generation has seen in England, the loudest and the shrillest notes in the *keene* of mourning which went up, came from men who had spent their lives in denouncing the character, in vilifying the motives, and in doing all they could (puny were their efforts) to bring infamy upon the head of that distinguished man, John Bright.

History is full of examples such as that. And I doubt not that the day will come (I think it is coming rapidly) when, through the mists and prejudice which now surround his actions and public life, Mr. Parnell will be recognised as having played the part of a statesman, and, though working for and in the name of Ireland, as having rendered true and loyal service to England by bringing about something like a reconciliation between

two peoples who have been kept apart, but between whom there never has been, and is not to-day, just cause of quarrel or of difference.

My Lords, Mr. Parnell returned from his American visit, called back by the urgency of the election of 1880, and upon his return a meeting was held in the Rotunda, Dublin, which has already been referred to; and I am sure your Lordships will pardon me for again calling attention to it, because it shows the enormous difficulties with which Mr. Parnell had undoubtedly to contend. He has the credit of having brought the Irish in America first into open concert with an open constitutional movement. He has the credit also of doing the same with a portion of the Irish people who looked on the movement (and it is not unnatural that they should have done so) with distrust and with no hope of redress or benefit coming from any such movement. On the 29th of April 1880 the following programme of Parliamentary Land Reform was prepared, to be submitted to a land conference proposed to be held at that time, this being a conference called by the Land League, and the programme of Parliamentary Land Reform being formulated by them. I regard this, my Lords, as an important document. I would ask your Lordships therefore to allow it now to be read.

“ PROGRAMME OF PARLIAMENTARY LAND REFORM  
 TO BE SUBMITTED  
 TO LAND CONFERENCE  
 ON THURSDAY, 29TH APRIL 1880

Programme  
 of Land  
 Reform,  
 1880.

“THE LAND ACT OF 1870

“In 1870 Parliament, considering it ‘expedient to amend the law relating to the occupation and ownership of land in Ireland,’

passed what is known as the Land Act. This Act had for object—(1) To provide for the tenant security of tenure ; (2) to vest in him the property which he created in his holding by the expenditure of his labour and capital ; and (3) to enable tenants to become the owners of their holdings.

“To give effect to these objects provision was made to compensate for disturbance tenants evicted by the act of the landlord : to compensate for the loss of their improvements, tenants voluntarily quitting their holdings or evicted for non-payment of rent, and to empower the Board of Works to advance money to tenants for the purchase of their holdings, where landlord and tenant had agreed for the sale of same. Has the Act succeeded in giving effect to the intentions of its authors ? Has it established security of tenure for the tenant farmers of Ireland ? Has it secured to them the property which their industry and capital may have created in the soil ? Has it prevented the arbitrary increase of rent ? Or has it, even to a limited extent, established a peasant proprietary ? To these questions, we regret, there is but one answer—the Land Act has failed. The experience of the last ten years justifies this assertion. Within that period tenants have been capriciously evicted, rents have been arbitrarily increased, and improvements have been confiscated as if the Act never existed. To check, if not to render impossible, eviction under notices to quit, provision was made (sec. 3) that where a tenant is ‘disturbed by the act of the landlord,’ the court having jurisdiction in the matter may award him compensation for the loss of his holding. The sum to be so awarded is subject to certain limits prescribed by the Act left to the discretion of the chairman (now the county court judge). For example—where a holding is valued at £10 annually or under the sum awarded ‘shall in no case exceed seven years’ rent.’ It was soon judicially decided that, according to the wording of the section, the judge might award the whole scale of compensation, or any part of it. This discretionary power vested in the court has left the position of the tenant farmer more precarious than ever. In most cases he could not even hazard a guess as to what his rights were, as to what his compensation (if any) might be. In the adjudication of claims everything depends upon the skill and moral constitution of witnesses—upon the ability and uprightness of the judge. Where one chairman—a man of broad views, uninfluenced by class prejudices—might grant ample and fair compensation—a sum sufficiently large to deter a

landlord from evicting his tenants—another, perhaps of narrow mind, and one who owed his appointment to landlord patronage, would allow no actual compensation whatever. To this inequality of justice, and to the risks and expenses which a tenant should undergo in order to assert his rights, may be attributed the failure of the Land Act to secure to the ‘industrious occupier the benefits of his industry,’ and to protect him in quiet and peaceable possession of his home.

#### “MR. BUTT’S BILL

“The Land Act having failed to settle the Irish Land Question, a Bill was introduced into Parliament by the late Mr. Butt, which, it was alleged, would ‘enable occupiers to hold their lands upon tenures sufficiently secure to induce them to make improvements.’ The advocates of this measure contend that the Bill, if passed, would ‘root the tenant farmers in the soil,’ by establishing fixity of tenure at fair rents.

“‘Fixity of tenure at fair rents’ is, no doubt, an attractive phrase, but its only merit is, that it is attractive. Let us examine it as a proposed solution of the Land Question, and first as to ‘fair rents.’ How is the fairness or unfairness of rents to be determined? For an answer we must appeal to part 3 of Mr. Butt’s Bill, wherein provisions are set forth purporting to enable ‘the occupiers of land to obtain certain and secure tenures.’ Clause 33 of the Bill provides that the chairman shall give to a tenant a ‘declaration of tenancy,’ and shall therein specify the rent to be paid by him in respect of such premises. Clause 45 provides that when the landlord and tenant shall not agree upon the rent to be so specified, ‘the same shall be left to the decision of three arbitrators.’

“Now, how is a tenant to obtain a ‘declaration of tenancy,’ specifying the rent which he is to pay for his holding? How is he to obtain the benefit of Mr. Butt’s measure? By bringing an action against his landlord! In the first place, he should serve notice of claim upon the landlord, then file this claim, as claims are now filed under the Land Act, and when the claim was so filed the case as between landlord and tenant would be ripe for hearing. The judge is empowered to specify in the declaration of tenancy the rent as fixed by the arbitrators. But, suppose the landlord is dissatisfied with the rent so fixed, he may appeal to the assizes, and should the

decision of that tribunal be adverse, he may bring the suit to the Court of Land Cases Reserved. Nor is that all, for even when a declaration of tenancy is obtained the landlord would have the right to apply to a court of equity to set aside the said declaration of tenancy on the ground of fraud (clause 42).

"From the foregoing it appears plain that no tenant could derive any benefit from Mr. Butt's Bill unless he had plenty of money to spend in litigation. To obtain a declaration of tenancy, even if no appeal existed, a solicitor should be employed to prepare notices, a civil engineer to survey the holding, experts to value the improvements claimed by the tenant, and witnesses as to the time of occupancy should be procured. Then there would be the expenses of the hearing, solicitors' costs and counsels' fees. Where could the tenant farmer be found (unless, perhaps, a rich grazier) who would venture to obtain security of tenure at the risk and expense of legal proceedings as above set forth? Where is the small tenant (and there are in Ireland 320,000 holdings valued under £8 a year, of which 175,003 are valued under £4) to whom such proceedings would not bring certain ruin? We feel convinced that of the 600,000 tenant farmers in Ireland not more than 100,000 would be able to pay the costs necessary to obtain a declaration of tenancy, and even this minority, having secured such declaration of tenancy from the court after tedious and expensive litigation, would reap therefrom a very dubious benefit.

"Suppose a declaration of tenancy obtained, the rent fixed for 21 years, would the tenant thereby be secured against eviction? If the rents had been fixed in all Ireland three years ago, what would be the position of the tenant farmers to-day in face of the fall which has taken place in the value of farm produce? If rents were fixed to-morrow, what guarantee is there that increased foreign competition would not cause a still greater fall in the value of land? And yet the advocates of fixity of tenure would tie the tenants of Ireland to conditions in regard to rent which would in all probability bring about their ruin. We cannot, then, undertake the responsibility of recommending Mr. Butt's Bill as a settlement of the Land Question, nor can we conceive any permanent measure having for its object the adjustment of rents as between landlord and tenant which to the tyranny of the rent office would not add the uncertainty and peril of the court of law.

#### “PROGRAMME FOR CONSIDERATION OF CONFERENCE

“Feeling convinced, then, that it is inexpedient to maintain and impossible to amend the present relations between landlord and tenant, the question presents itself, What measure of land reform do the exigencies of the situation demand? The Land Question in Ireland is the tangled heritage of centuries of one-sided class legislation, the successful solution of which will necessitate the greatest care and investigation, together with an anxious desire to do right on the part of all who approach its consideration. Time will be needed by the present House of Commons to inform itself as to the merits of a question which is only just commencing to be understood in Ireland and is scarcely understood at all in England.

#### “PROVISIONAL MEASURE FOR SUSPENSION OF POWER OF EJECTMENT, ETC., FOR TWO YEARS

“We, therefore, recommend as an *ad interim* measure, in view of the desperate condition of the country, until comprehensive reforms can be perfected, that a Bill should be pushed forward with all speed suspending for two years ejectments for non-payment of rent, and for overholding, in the case of all holdings value at £10 a year and under, and suspending for a similar period of two years in the case of any holding whatsoever the right of recovering a higher rent than the poor-law valuation.

#### “PROPOSALS FOR PERMANENT REFORM

“Next, as to the permanent reform of land tenure in Ireland, we are of opinion that the establishment of a peasant proprietary is the only solution of the question which will be accepted as final by the country. The Land Act created, as between landlord and tenant, an irregular partnership in the ownership of the land, giving to the former a right to rent for his interest in the soil, and to the latter a right to compensation for the loss of his property therein. Now we venture to assert that this system, whereby two opposing classes have valuable interests in the same property, must cease to exist. The well-being of the State, the preservation of the people, the peace and prosperity of the country, demand the dissolution of a partnership which has made financial ruin and social chaos the normal condition of Ireland; and the time has arrived when

Parliament must decide whether a few non-working men or the great body of industrious and wealth-producing tillers of the soil are to own the land.

#### “CREATION OF A DEPARTMENT OF LAND ADMINISTRATION FOR IRELAND

“To carry out the permanent reform of land tenure referred to, we propose the creation of a department or commission of land administration for Ireland. This department would be invested with ample powers to deal with all questions relating to land in Ireland:—

“1. Where the landlord and tenant of any holding had agreed for the sale to the tenant of the said holding, the department would execute the necessary conveyance to the tenant, and advance him the whole or part of the purchase money, and upon such advance being made by the department such holding would be deemed to be charged with an annuity of £5 for every £100 of such advance, and so in proportion for any less sums, such annuity to be limited in favour of the department, and to be declared to be repayable in the term of 35 years.

“2. Where a tenant tendered to the landlord for the purchase of his holding a sum equal to 20 years of the poor-law valuation thereof, the department would execute the conveyance of the said holding to the tenant, and would be empowered to advance to the tenant the whole or any part of the purchase money, the repayment of which would be secured as set forth in the case of voluntary sales.

“3. The department would be empowered to acquire the ownership of any estate upon tendering to the owner thereof a sum equal to 20 years of the poor-law valuation of such estate, and to let said estate to the tenants at a rent equal to  $3\frac{1}{2}$  per cent of the purchase money thereof.

“4. The department or the court having jurisdiction in this matter would be empowered to determine the rights and priorities of the several persons entitled to or having charges upon or otherwise interested in any holding conveyed as above mentioned, and would distribute the purchase money in accordance with such rights and priorities, and when any monies arising from a sale were not immediately distributable, the department would have a right to

invest the said monies for the benefit of the parties entitled thereto.

“ Provision would be made whereby the Treasury would from time to time advance to the department such sums of money as would be required for the purchases above mentioned.

#### “EASY TRANSFER OF LAND, COMPULSORY REGISTRATION, ETC.

“To render the proposed change in the tenure of land effectual it would be necessary to make provision for the cheap and simple transfer of immovable property. To effect this an organic reform of the law of real property would be requisite. The Statute of Uses should be repealed, distinctions between ‘legal’ and ‘equitable’ interests abolished, and the law of entail swept away. In short, the laws relating to land should be assimilated as closely as possible to the laws relating to personal property. The Landed Estates Court would be transferred to the Department of Land Administration, its system of procedure cheapened and improved. In each county in Ireland there would be established a registry office wherein all owners of land would be compelled to register their titles, wherein also would be registered mortgages and all charges and interests whatsoever. Titles so registered (in accordance with rules provided for the purpose) would be made indefeasible.

“With such a system of registration established and legal phraseology in conveyancing abolished, a holding of land might be transferred from one owner to another as cheaply as a share in a ship or money in the funds, and thus no apparent obstacle would stand in the way of the Department of Land Administration from carrying out the reforms which we have suggested, reforms which, it may be hoped, will bring prosperity and contentment to an impoverished and distracted country.

“ (Signed)      CHARLES S. PARNELL.  
                         J. J. LOUDEN.  
                         A. J. KETTLE.  
                         Wm. KELLY.  
                         PATRICK EGAN.”

I think your Lordships will agree that that is certainly a remarkable document to be issued by a band of criminal conspirators. In part it unfolds a great

scheme of land reform, a portion of which is applicable to England as well as to Ireland, and a portion of which has been struggled for, for years, by a number of land reformers in this country. A portion of the scheme is directed to a temporary stay, in the crisis through which the country was then passing, of the right of eviction, leaving untouched the ordinary rights which ordinary creditors have against their debtors, leaving those rights to the landlords as creditors of their tenants to proceed by either process of law, or if they are so minded, to distrain, but directed to a temporary stay of eviction and of eviction only; that being the scheme which yesterday, in connection with the Compensation for Disturbance Bill, I pointed out to your Lordships was formally introduced in the House of Commons at the instance of the Land League by Mr. O'Connor Power, then one of the members for Mayo, and the principle of which was afterwards adopted by the Government of the day and passed, by the second reading of the Compensation for Disturbance Bill, through that House.

In connection with that Bill I have to mention one other incident not unimportant. I pointed out yesterday the need in the interests of public peace, in the opinion of the Irish Secretary, Mr. Forster, for some such protective measure. I omitted in that connection to mention that so strongly was he impressed with that necessity that, what afterwards became the Compensation for Disturbance Bill he originally tacked on as an additional clause to the bill known by the name of the Relief of Distress Bill, which was in truth, as I pointed out, more directly and more immediately a Relief of Landlord Bill. I mean the bill which enabled the advance of £1,100,000 out of the surplus Irish Church funds to the Irish landlords with no interest for

two years, and after that date at one per cent only. It was a misfortune, I think, that that course was not persevered in, because undoubtedly it would have offered an inducement to the powerful party in the House of Lords, who ultimately rejected it, to have passed it, provided it was made a part of and dependent upon the Relief of Distress Bill.

Further your Lordships will observe that that programme of reform points to the creation of an occupying proprietorship, upon lines now adopted I might almost say by both parties in the State and it proposes terms of settlement that the landlords to-day would be only too glad to accept. But they have missed their opportunity, an opportunity which they are not likely, unless indeed there be a revolution in prices, to get again. But this was offered to them, pressed upon them, pressed upon the public by the representatives of the Irish people, backed up with remarkable unanimity by the Irish people themselves, at the instance of men whom it is here sought to stigmatise as disturbers of the peace, who do not desire the contentment of their country, because, forsooth, they live upon agitation.

Your Lordships will observe, or may have observed, that there was one name wanting in that programme. It is the name of Mr. Michael Davitt. In the Land League movement, as in every movement, there is a section more advanced, and there is a section less advanced. Mr. Davitt belonged to the more advanced section, and he thought (and subsequent events have justified his judgment) that the terms offered to the Irish landlords in that programme were too favourable. He thought that the terms offered to the Irish landlords in that programme were terms which the Irish tenants would not be able successfully to carry through and

fulfil. And he did desire, and he does desire, that the settlement of the question shall be thorough in the sense not only that it shall be just, but that it should be upon such a basis as to afford a reasonable belief that the obligations undertaken by the tenants, with a view to the acquirement of their proprietary interest in the soil, shall be faithfully carried out and observed.

Public Conference.

Speech by Mr. Parnell.

My Lords, following that programme was the discussion of it in a public conference held on the 29th April, and on that day Mr. Parnell made the speech I am about to read. The first resolution was one addressed to the *ad interim* measure, which I ought to have told your Lordships embraced the suspension, for a temporary period of two years, of the right of recovering a higher rent than the poor law valuation, and left the right to distrain and to sue up to the limit of the poor law valuation.

“In proposing this first resolution I think that I may assume that, however we may differ as to the best method for obtaining a final solution of the Land Question, every one will admit that it will be impossible to obtain this final solution in the two months that yet remain of the present session of Parliament, and that consequently one of the most practical things to which we can devote our attention to-day, will be the devising of some measures by which we can prevent the great distress and social disturbance which must result if something is not done to check the unbounded power which the law gives to the landlord over the tenant at the present moment. You will observe that this resolution deals with two classes of tenants. First of all, a class of tenants who are valued at £10 a year and under; in their case it proposes that the right of ejectment for non-payment of rent should be suspended for two years; and as regards tenants over £10 a year, it proposes that no higher rent than the ordinance valuation should be recoverable during a similar period of two years. I find that there are in Ireland about 320,000 holdings valued under £8 a year, and of those 175,000 are valued under £4 a year, and it happens that it

is just this class of tenants that Mr. Gladstone's Land Act accords the greatest inducement to the landlord to get rid of, and to seize the present crisis in agricultural matters for the purpose of getting rid of them. Under Mr. Gladstone's Land Act" (that is, the Act of 1870) "tenants valued at £10 and under, if disturbed by the act of the landlord, were entitled to seven years' rent as compensation."

That is not strictly so ; that was the maximum for which compensation could be given, not that they were entitled to it. Then there is an interruption by The O'Donoghue, M.P., who asks whether there may be an opportunity of moving an amendment to the resolution. Then Mr. Parnell proceeds :—

"Perhaps I might explain to my honourable friend it is perfectly competent for any one to move an amendment to this resolution or substitute a resolution for it ; the Land League invites and desires full discussion. This conference has been brought together for the purpose of consultation, and the Land League does not desire in assembling the gentlemen composing this conference to tie them down to the programme it puts before the conference. It was our duty to prepare a programme ; a committee was appointed for that purpose, and published the programme so prepared on Monday last ; it has now been before the country for several days, and we trust and hope that one of the results will be that a very full discussion will take place as to the propositions made by the committee of the Land League. Now, I was just saying that in the case of tenants valued at £10 a year and under, the Land Act provided that if disturbed by the act of the landlord, the Chairman may award to such tenant seven years' rent in lieu of compensation, in addition to sums for permanent improvements ; but if such a tenant be evicted for non-payment of rent, he loses all claim to this seven years' compensation for disturbance, and he is entitled to only whatever the Chairman may award him for permanent improvements. Now, Mr. Chairman, it is just this class of tenants who are most stricken to the ground by the present calamity ; many of them are in a state of starvation and unable to pay any rent at all, and if the landlord is left in full possession of the rights which the Land Act of 1870 gives him, and if he proceeds to exact those

rights, the result will be, in the west of Ireland, during this coming autumn and winter, scenes which we all must shudder to look forward to ; and therefore I think that one of the first duties of the land reformers should be to place the Legislature in possession of the circumstances affecting these 320,000 small tenants, to point out their situation and to place before the Legislature a method whereby time may be obtained for a solution of this question, and the frightful evils which we anticipate will follow. We don't desire more than an Act suspending the ample powers which the law at present gives in the case of these small tenants. I, myself, think that no Land Act can reach the case, no permanent Land Act can reach the case, of the majority ; many of them, perhaps the majority, are crowded upon small holdings of poor lands in the west of Ireland, holdings on which, in the best of times, they can scarcely earn a livelihood and pay the rent. As a matter of fact, they have not been paying the rent out of their land, they have been paying it by working as day labourers in England and Scotland for other farmers, or by working for larger farmers in their own neighbourhood. And the question as to how these 320,000 tenant farmers are to be dealt with in a permanent enactment is one that requires the greatest consideration and care. I say, then, protect these people for a year or two until the Legislature has had time to give that consideration which we may assume it is willing to give to their case. Then the second part of the resolution deals more particularly with tenants valued at a higher rate than £10 ; it suspends for a period of two years the right of recovering a higher rent than the poor-law valuation. Now I think everybody will agree with me that the poor-law valuation is at the outset the highest rent any tenant can afford to pay. Save under very exceptional circumstances, there are perhaps some of the rich grazing lands which reach a higher value than the poor-law valuation, but speaking as a general rule of holdings valued over £10 throughout Ireland, I think everybody will admit, landlords and tenants, that a higher rent than the poor-law valuation cannot be paid under the present circumstances for such holdings. In fact, I believe that many landlords have already throughout Ireland reduced their rents to this valuation, and I am sure we shall not be accused of asking anything very exorbitant when we ask that until Parliament has had time to investigate this difficult land question, this class of tenants, who have a large property, many of them invested in their holdings, valuable stock and

so forth, should be protected from those landlords who desire to run counter to all dictates of common sense, by desiring to exact a higher rent than the poor-law valuation."

My Lords, how does it come that these documents have not been presented before to your Lordships? If this case were to be fairly presented in a broad and just and a statesmanlike fashion, how comes it that all these documents, I think I must be right in saying, have come as a revelation upon your Lordships? My Lords, nothing but party animosity, the judgment of men distorted by prejudice, carried away by the desire and impulse of blackening the character of political opponents, can account for the way in which the Attorney-General has been imperfectly instructed in the presentation of this case. I think it is a grave matter. I take leave to say it is a grave scandal.

Now, my Lords, I shall ask your attention for a moment or two, first of all to the published declarations of this League. I submit that it is an organisation legitimate in its object, legitimate in its means. I think neither of those propositions will be gainsaid. It proposes a comprehensive mode of dealing with the Irish land difficulty, and whether your Lordships agree with it or not (of course upon that your Lordships are called upon to express no opinion), every man in the country, any combination of men in the country, had a perfect right to formulate that programme, and to put it for consideration and report before the country.

Now as to its means. For the moment I am dealing with its avowed means. Is there anything in those rules that have been read, in the programme which I have read, which points to the use of illegal means? I say, nothing—I submit, nothing.

I will deal presently with the allegations as to

Land League: its Means.

the means which were in fact used ; I am dealing with the avowed objects, the avowed means, at present. If I am so far right, my Lords, it follows that, if this case is to be tried by the test of conspiracy, no men who give their adhesion to this scheme propounding those objects and those means would be party, by mere membership of the League, in a criminal conspiracy.

I hope your Lordships follow the emphasis I lay on the words, "by mere membership of the League." Of course, if beyond that, apart from its avowed objects and its avowed means, individuals, or a combination of individuals, resort to the use of criminal means, they are liable for that resort to criminal means, but they are not liable merely by reason of their membership of the League established with the object of advocating such measures.

Your Lordships will recollect that there are rules excluding from membership persons who take the part of what one may call the landlords' side—who play the part of evictors, who assist at evictions, who take the farms of those evicted, and so forth. That is perfectly legitimate ; they have a perfect right to say, we shall allow no landlord, no bailiff, no process-server into our ranks ; we shall admit no man who, in this great national movement, shows such a want of regard to the general interests as to be a party to a proceeding which, of course, would paralyse the protective efforts of the League by taking the farms from which men have been evicted, as the rules say, "because of inability to pay an excessive rent."

Boycotting. But one other thing, my Lords, I must say. I desire to deal, your Lordships, I am sure, will understand, thoroughly and candidly with the whole matter. It

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must be admitted that prominent members of the League have advocated boycotting.

My Lords, in this matter of boycotting, may I be forgiven for using the celebrated exclamation of Dr. Johnson, and say: "Let us clear our minds of cant." Boycotting has existed from the earliest times that human society existed. It is only a question of degree. Up to a certain point, boycotting is not only not criminal, but I say is justifiable and is right. For what does boycotting mean? It means the focussing of the opinion of the community in condemnation of the conduct of an individual of that community who offends the general sense of propriety, or offends against its general interests. Is there no boycotting at the bar? Is there no boycotting in the other professions? Is there no boycotting in the Church? Is there no boycotting in polities? Is there no boycotting of tradesmen in election times? What is the meaning of "Sending a man to Coventry?" I say that boycotting,—I am not justifying intimidation, I am not justifying force, I am not justifying violence in connection with it; those are different things—I am talking of an act of moral reprobation called boycotting, and I say it always has existed and always will exist.

My Lords, if I were to search ancient records, historical, sacred records, I could point to many instances of boycotting; but I need not go far back. We have had in our days very remarkable instances, not only of boycotting, but effective and useful boycotting. What was the action of our great colonies when the ill-judged policy of this country sent them the criminal population, the offscouring of the old world, as the rotten seed from which their fresh population was to spring. What did they do? Why, they simply boycotted the

Government officials in Australia. The most notable instance of all was in the Cape Colony, where they boycotted the governor, declined to serve him, declined to supply him with horses, declined to supply him with provisions until the objectionable ship which was importing and seeking to land the offscouring of this nation, took its wretched burthen to another place.

My Lords, I say more: that apart from intimidation, apart from violence, individual boycotting, or boycotting in combination is neither actionable nor criminal, unless it takes place under circumstances which would warrant a jury in finding as a fact that the object was not merely reprehension of supposed misconduct, but that the object was to injure the individual against whom it was directed. If men may combine for the protection of their own interests, I ask why, in the name of good sense, may they not combine to denounce, to reprehend, to condemn the conduct of those who act in a way which they believe to be inimical to their best interests?

I will deal of course with the allegation of violence and of intimidation hereafter. But, my Lords, I say boldly and at once, that, as regards cases put before this court in evidence, of instances which began and which ended in boycotting, except a passing reference or two, I shall trouble the court with no argument whatever. It is not the case which this Commission was appointed to try. Nobody will allege it. The case that this Commission was appointed to try were certain charges and allegations, the point, the force, the pith of which were charges of direct complicity with crime. Of course I must meet, and will meet by an examination of the evidence, the suggestion put forward, and I shall demonstrate that the suggestion is not well founded

upon the facts, that the sanction of boycotting was outrage and murder, and I shall examine the matter carefully and ask your Lordships' attention in following the examination of these cases, and of the evidence by which that suggestion is sought to be supported.

But again I say, and I wish to impress this upon your Lordships' minds, that while I admit that boycotting has occurred to an extent which in many, or at all events in several, proven cases is to be condemned, to be regretted, and which I do not seek to defend or to justify—I would again remind your Lordships, if I am right in the proposition that I have laid down, that those who joined the Land League are liable as conspirators, only in respect of the programme of means and objects which the Land League adopted, and that therefore there may be considerations as regards individual cases which may determine the view your Lordships take of the conduct of the persons so offending, but which do not justify your Lordships in applying to that conduct, and in relation to other persons, the doctrine of vicarious responsibility.

As regards denunciations of land-grabbing I shall deal with that matter when I come to the consideration of the evidence; but I do wish to make my submission clear to your Lordships' minds that if it was necessary, or it is enough for me to say if it was justifiable, for the tenants to combine for their own self-protection, then it was perfectly justifiable, as I submit, that they should reprehend, and should blame, and should denounce persons who, by taking farms from which other tenants had been unjustly evicted, should render to a great extent useless the power of their combination; because, of course, it obviously follows—Mr. Hancock's evidence is a good illustration of it—that the work of

eviction by the landlord is facilitated if there is nothing to stay his hand in the work of eviction, if the moment he has got rid of one tenant he can get another tenant who will come in and promise to pay him, it may be, an enhanced rent. And thus it is, as Mr. Hancock pointed out in the evidence, with which two days ago I troubled your Lordships, that the effective sanction of the tenant right in Ulster was the reprehension of the community which fixed itself on the man who took a farm from which another had been evicted.

My Lords, as I have shown, land-grabbing has been denounced in former times in Ireland, and I do pray your Lordships to remember that, when the whole of this story, the whole of this record of ten years, is thrown down before your Lordships and laid at the door of the Land League, it is not presenting the case in a fair way. To compare ten years of revolution, ten years during a great portion of which there was undoubtedly acute and widespread distress, to compare those ten years with a like period of comparative prosperity—for the prosperity of Ireland has been comparative at the best—I say that is not a fair way to look at it.

My Lords, the records I have disclosed before your Lordships, establish as clearly as anything, this—that in every recurrent period of distress in Ireland, when landlords were forcing the exaction of their rights, when there was no Land League to blame, this boycotting, this land-grabbing, and crimes of a serious kind, have with the recurrent distress again and again recurred.

Up to the end of the year 1879, and indeed—and it is rather a significant fact—up to the date of the rejection by the House of Lords of the Compensation for Disturbance Bill, the Land League in Ireland had made but comparatively little way. It had been taken

up eagerly in Mayo, and in part of Galway ; but your Lordships will find that as regards the rest of Ireland it had made but little way. But after the rejection of that bill, Land League branches sprang up over the whole of Ireland, and I doubt if there was to be found a parish in the whole of Ireland in which there was not a local Land League organisation. The two reasons why it did not spread at first were these : there was hope that the Legislature would interpose some protection, but there was the further and perhaps even the stronger reason, that the secret societies from the outset, in large measure at least, opposed the Land League movement. And I am about to call your Lordships' attention to a remarkable illustration of that—two remarkable illustrations of that.

On the 8th of May 1880 a meeting was held in the Rotunda, Dublin, attended by a number of members of Parliament and others, with Mr. Parnell in the chair. But before that meeting, and probably in anticipation of that meeting—I know not—there had been issued, signed by the Executive of the Irish Republican Brotherhood, a somewhat remarkable document—the date of that document is March 1880—published in Ireland. It is longer, my Lords, than the passage I am about to read to you, but I spare your Lordships as much as I can.

It proceeds thus :—

“At a time like the present, when political adventurers and West-Britishers are scrambling for parliamentary honours, who, in their eagerness to obtain the coveted prize of a seat in the British Legislature, are playing on the credulity of many of our countrymen by passing themselves off as Nationalists, we consider it our duty to say a few words to you on the subject. It is inconsistent with the principles of true nationality for any patriotic Irishman to accept a seat in an alien Parliament, because by so doing he

surrenders his rights and the rights of his country into the hands of men who are opposed to its best interests, and becomes a participator in the alien system which keeps Ireland enslaved. The Irishman who becomes a member of it is either the victim of some mental delusion, a slave, or an enemy. We do not address you merely for the purpose of reminding you of all this constitutional garroting and plundering of our country, of which even the 'bond' of eighty years' duration affords such ample evidence, but to prevent the smallest section of our brethren from being betrayed into active participation in the coming elections by the plausible utterances or avowals of National principles of any of the candidates, no matter who he or they may be."

My Lords, the representatives of those persons did not stop there ; they carried out their opposition into active practice.

At about the same time Mr. Parnell, accompanied by some other of the present members of his party—and I think this is only one of several instances—went down to the county of Wexford and addressed an election meeting in support of a particular candidate.

The sympathisers with this document, March 1880, attended and broke up that meeting ; possessed themselves of the platform, hustled Mr. Parnell and his friends, and with great difficulty they managed to get back to the railway station in safety.

Other things occurred of the same kind in other places, and surely it would have been right, surely it would have been fair, to have given some kind of inkling to your Lordships of the difficulties in which he, Mr. Parnell, stood, when endeavouring upon a broad, an open, a national platform, to withdraw the adherents of such teaching into a constitutional and into a legitimate movement.

My Lords, the meeting to which I referred at the Rotunda is again a significant one. Its report is

published in *The Nation* of the 8th of May 1880, but in fact it was a public meeting which followed the conference of the 29th of April 1880. On that occasion a representative of the Fenian movement boldly came forward to propose an amendment, and then followed a scene with which I will not trouble you, but a repetition in the Rotunda of the successful attempt in Enniscorthy to drive the tenants of the platform from their position, and get the control of the meeting. Mr. O'Hanlon sought to propose this resolution, and got so far as reading part of it :—

“That while the Nationalists of Dublin are willing to make any sacrifices (hisses) to the demands of the cultivators of the soil (interruptions), they protest against the deceptive action of Mr. Parnell and other persons who are trying to divert the people from the proper course to independence ; and that while some of the greatest statesmen (the whistling and noise rendered great part of the resolution dumb show) . . . the line of action pursued by the National Land League has been injurious and deceptive.”

Then Mr. O'Hanlon tore up his resolution, left the platform, and went away.

But, my Lords, he wrote to the papers his views the next day, and this is the letter :—

“83 Amiens Street, Dublin,  
“30th April 1880.

“SIR—As I did not care that my Resolution should get into the papers I tore it up and threw the fragments on the platform. Since, however, you have published an incorrect copy of it, I have thought you might as well have the exact words of the original. They were : ‘Resolved—That, while we, the Nationalists of Dublin, are ready to make any sacrifice to give the land to those who cultivate it, we protest against the deceptive policy of heaven-sent champions and ex-political prisoners”—

(a reference to Mr. Davitt, who had been drummed out of the ranks),

“ who are trying to seduce the people from the straight road to independence into the corrupt and crooked ways by which renegades and persons of questionable character obtain seats in the English Parliament.’ To read this Resolution as a protest against the misleading and demoralising tactics of a certain clique in the Land League, and then to let the meeting go on as it might, was the only purpose that brought me and my friends to the meeting at the Rotunda on Thursday night. Mr. Parnell and Mr. Davitt and others of their party, by their dictatorial and high-handed proceedings, were very near forcing us to go further than we had intended. These gentlemen are deceiving the poor peasantry of Ireland for purposes which I will not name, lest I might do some of them injustice ; but I ask, how can sane men believe that any English Government will pass the sweeping measures that are demanded by the Land League ? It looks as though these land reformers were insisting upon the impossible in order to keep up a delusion which may be profitable to individuals, but is surely ruining the unhappy victims of false hopes and reckless promises.—I am, Sir, your obedient servant,

“ EDWARD O'HANLON.”

My Lords, I confess myself to have some sympathy with Mr. O'Hanlon's expressions from the point of view from which he regarded the open movement. The past history of constitutional agitation had shown but poor results ; again and again had sacrifices been made, and still no remedial measures were forthcoming ; and then the class of men to which O'Hanlon belonged, embarked it may be on a hopeless and condemnable enterprise, carrying, at any rate, their lives and their liberties in their hands,—and in despair of good by other methods, resorted to desperate and unconstitutional ones. I cannot express surprise that men should so think of past history—of the fruitless efforts for constitutional redress—that men like him should feel distrust—should feel a want of hope, and should doubt whether the programme of the Land League, fulfilled as it is to-day, in great measure, was not indeed an impossible

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task to set for accomplishment before the Irish people by constitutional methods.

I am reminded, by my learned friend, of one remarkable witness called before your Lordships, I mean the convict Delaney, who was one of the persons at this meeting, taking part with O'Hanlon, but who went on to say—whether reliably you may judge hereafter—who went on to say, that an order went forth after this meeting in the Rotunda, that the Fenians were to support the Land League, an order which came I think he said from, amongst others, Egan, Brennan, and Davitt—Davitt being the man who was held up to reproach as an ex-political prisoner.

There is a postscript to O'Hanlon's letter, by the way, which I did not read :—

“May I ask Mr. Parnell to tell the public what he has done with the 20 dollars he got for lead from some Irishmen in America.”

A further letter from the executive of the I. R. B., which I read from *The Nation* of the 18th of May, is in these terms :—

“SIR—We respectfully request that you will give insertion to the following in your next issue. At the meeting in the Rotunda on Thursday last a few irresponsible and unauthorised individuals undertook the rôle of protesting against the agitators in the name of the National party.”

My Lords, at that date the name “National party” appears to have the meaning of a physical force party.

“Now, against the terms of the resolution which was sought to be proposed by the men referred to, we have nothing to say; we emphatically deny any complicity in the act, and repudiate its identity with the Nationalists of Ireland.

“The agitators themselves claim to be Nationalists when it suits their purpose, no matter whether they hold forth in the Home Rule

League, the Land League, at the hustings, or that exalted platform, the floor of the British House of Commons. We have borne with their vapourings and false doctrines, as well as their treacherous designs against the freedom and national independence of Ireland, fully aware that the sham of the 'new departure' would be short-lived, and would, in its final collapse, bring unutterable political ruin to all its promoters.

"To this end we are resolved to let them have rope enough ; but, as they are not content with this forbearance, and are occasionally sheltering themselves behind the sacred name of Irish Nationality, we feel constrained to warn them that if they persevere in such a course we shall be obliged to adopt measures that will end their career much sooner than anticipated.

" 'Thoughts of the painful present and the past  
Must bring the hour of reckoning at last.'

"By Order,

"EXECUTIVE OF THE I. R. B."

Now, my Lords, I have said, after the rejection of the Compensation for Disturbance Bill, the increase of the Land League Branches was rapid and enormous, and I would ask your Lordships to bear in mind in reference to its proceedings, and the consideration of the question of the control which could reasonably be expected of those who were at its head over its branches, that it did not spring like Minerva from the brain of Jove, fully equipped and fully armed. It was long before it came under full and complete discipline. In fact, it had not come under full and complete discipline and control when in an evil moment, as I hope I shall demonstrate, the Government took the course, under circumstances which I will presently explain, of suppressing its action altogether, imprisoning its leaders, and placing it in a state of absolutely complete disorganisation.

My Lords, I think I have made at all events suffici-

ently clear the basis upon which, when I come to <sup>The Law of</sup> examine the evidence, I shall proceed to argue. I say, in <sup>Conspiracy.</sup> order to make my position clear, that, even applying the vague, the loose formula of the law of conspiracy, which has never found any definite expression in the Statute-book, this proposition is sound, that those acting in concert, for brevity called conspirators, are only responsible for the acts of co-conspirators, where such acts are of a kind and class agreed on by all the conspirators to be done or committed in furtherance of the common design. And unless therefore it can be shown—I say that the evidence utterly fails to establish it—that Mr. Parnell (taking him as an example) was a party to the use of murder and outrage, as a part of the agreed means and methods of the Land League, he is not liable, criminally or otherwise. I submit at this point that, if one of your Lordships were trying this in a criminal court on a charge of direct complicity with crime, there is not, even as the case now stands, any case which your Lordships would think it right to submit to a jury for their consideration. And I would remind your Lordships, before I come to the consideration of the evidence, of one remarkable and striking fact. It is this; that in every case where there has been proof of outrage by persons who came to swear that they did it in concert with persons who were, or who professed to be, Land Leaguers, that in every single case without exception, so far as I know, the perpetrators were members of secret societies, and apparently many of them sworn in as members of secret societies, before they joined in the commission or perpetration of outrages. I do not recall, and I think I am right in saying that there is no exception to the broad general statement I have made, and I will pray your Lordships to dwell upon the significance

*The Times  
Case.*

of that fact, because if the case presented were a true case, namely, that crime and outrage were part of the agreed means and methods for effecting the objects of the alleged conspiracy, if the systematic perpetration of crime and outrage were one of the agreed instruments of their conspiracy, how comes it that there is not one single case of direct participation in outrage proved—I believe I am literally right—in which the perpetrator is not shown to have been a member of a secret society and not merely of the Land League?

And, my Lords, that I am not putting the case as presented by *The Times* too high, let me remind your Lordships of a statement, absurd and ludicrous though it be, to which the Attorney-General gave utterance when he told your Lordships that he would prove that not in one case, or an isolated case, but that the system was for Mr. Egan, or Mr. Brennan, or Mr. Biggar, as the case might be, to dole out £20 or £30 in Dublin, which was handed to a person to take to particular localities, in which particular localities that £20 or £30 was doled out piecemeal to the actual perpetrators of the outrage. Where did the Attorney-General find his authority for that statement? Who was the informer or who the convict that told that lying story?—lying I must call it, for the Attorney-General has not even ventured to make an attempt to substantiate it. And to further prove that I am not putting the case as it is presented by *The Times* too high, let me remind your Lordships of a further ingenuous statement of the Attorney-General. He went on to say: “I do not mean to suggest that Mr. Biggar or the others knew the particular person to be outraged, or that they committed the outrage themselves, for *they had not time*.” So that, according to the case that the Attorney-General

was instructed to present, it was only upon the principle of a subdivision of labour in this criminal enterprise that Mr. Parnell, Mr. Biggar, and Mr. Davitt had not their own hands stained with crime! My Lords, at page 17, the second day of the Commission, occur these remarkable words:—

“Though the leaders” [the leaders is my paraphrase]—“though the leaders did not themselves go and personally plan the outrages, they could not, because they had not the time, and, of course, would not be connected with it, but their men were doing it for them, and of that system they took advantage.”

And one other passage I think I must read—it is at page 186 of the Commission’s proceedings:—

“I think it will appear” (says the Attorney-General) “that an emissary of the Land League, an agent of the Land League, used to get the money from the treasurer, either Mr. Biggar, or Mr. Brennan, or Mr. Egan, either one of the officials who might be in charge, used to take down the money, £20 or £30, and, having received the money, of course, from Mr. Biggar or any of the other officials who handed it, used to take down £20 or £30 into the district, and then distribute it locally to the men who were going to carry out the outrages.”

My Lords, what a contemptible ease of wretched shreds and patches has been presented to your Lordships in view of such statements as this! Will an explanation be given of them? Will an apology be made for them? They are directed against colleagues in Parliament whose characters are as dear to them as the Attorney-General’s character is to him. He, of course, is acting upon instructions. Where are the instructions? Who was the witness? What was the evidence against these men? For I take leave to say that statements of this kind are not to be put forward lightly, recklessly, without the closest and gravest examination by any man at the bar, from the highest

to the lowest, and I shall look with some curiosity for the explanation of the fact of these charges being broadly, recklessly, made, without one single attempt to justify them.

The Work  
of the Land  
League.

Now, my Lords, I come to the consideration of what was the actual work of the League. The work of the League may be shortly described under two heads as a work of relief and a work of organisation.

As regards the work of organisation, it consisted, first, in the creation of the central executive; next, in the creation of local branches all over the country; next, in the inspection of those branches; arranging differences between members of the branches or between neighbouring branches.

And as regards relief, it was of two kinds. Your Lordships will recollect that one of the Local Government Board inspectors, whose reports I read, urged, with a view to averting a fresh blight in the potatoes, the necessity for the introduction of a new and healthier seed. The Land League expended and distributed throughout the country in the poorest parts (and were the first to do it) a sum of £10,000 in the purchase of champion seed potatoes, which they supplied to families who in their destitution had, as these reports pointed out as probable, actually consumed such remaining seed potatoes as they possessed; and they distributed in relief of distress altogether a sum somewhat exceeding £50,000, gathered together, in fact, as the result of Mr. Parnell's appeal in America.

Their further relief-assistance took the form of defending legal proceedings against tenants with a view to eviction, and at a later stage, under the operation of an Act, to which I shall have to refer your Lordships presently, known as the Coercion Act of 1881, to

the defence of persons charged with various offences, and to maintaining of persons and the families of persons put into prison as "suspects," as they were called, under the powers of that Act.

In addition to this there were, of course, meetings as part of the agitation held over the country at various places by members of Parliament and others, and speeches made, some of them wise, some of them, I take leave to say, unwise, some of them (I am glad to say a comparatively small number of them, in my humble judgment) condemnable speeches.

That, my Lords, was the general work of the League. Originally at its head, as its principal representative in Dublin, was Mr. Michael Davitt, and he continued at its head until he was arrested on the 3d February 1881. He had been absent, however, during a portion of that time in America. He returned from America, I think, about the 8th December 1880, and the first act that he did upon that return, in conjunction with the executive of the League, was, upon the 13th December 1880, to issue this memorandum of instructions to organisers and officers of the branches of the Land League. I may at this moment state to your Lordships that until after the Compensation for Disturbance Bill was rejected no organiser at all had been appointed throughout the country.

In reference to that Bill, to which, I am afraid, I have recurred too often, I would like to make one concluding observation. I have always thought, as I thought at the time it was under discussion in Parliament, that, so far as its practical effect was concerned, it would not have a very wide application; but its real effect would have been to have conveyed a message of hope to a large class of these small struggling farmers,

to have made them feel that the legislature of the kingdom was interesting itself in their concerns, and in that way would have induced them to bear with a greater degree of patience the suffering through which undoubtedly they were obliged to pass.

This memorandum was in the following words:—

“MEMORANDUM OF INSTRUCTIONS

TO

ORGANISERS AND OFFICERS OF THE BRANCHES OF  
THE LAND LEAGUE

Davitt's  
Circular.

“The unprecedented growth of the organisation of the League within the past few months, and the consequent increase in the duties and responsibilities of the executive, necessitate the offering of some suggestions of a general character in reference to the present position of the movement, which, if acted upon, will strengthen its hands in the administration of the League, and powerfully aid in the speedy attainment of the objects for which it was organised. In face of the efforts which are being made to arrest the progress of the movement, by instituting proceedings against members of our body and otherwise, nothing is so essential in the task of frustrating such unjust designs as to convince both public opinion and our enemies that our organisation, from the central executive in Dublin to the remotest branch in the country, is one thoroughly united body, animated with but one resolve, and working together in harmony like a piece of well-adjusted machinery. Convinced of the power which systematic combination alone can give, the enemies of the Land League will find it an easier and more profitable task to compete with it in the solution of the Land Question, and in rendering service to our people, than to essay the impossible task of crushing it by the old time-worn weapons of State prosecutions, coercion, and intimidation. Every branch should, therefore, have its monthly report forwarded to the central offices punctually on the first day of each month, together with all

subscriptions not required for the ordinary expenses of the branch. Each member of a branch should pledge himself to bring a new member at each meeting, until the people of the district are all enrolled. In the formation of new branches it is important to obtain intelligent men for officers, care being taken that no man be placed in position who is not steady, reliable, and trustworthy.

“Each affiliated branch must communicate direct with the central executive in Dublin (or wherever else it may be necessary to carry on its labours) in all matters relating to finances, reports, and organisation. County centralisation invites dangers and attacks which could not so easily affect a solid, compact body under the complete guidance of a central executive council with the entire resources of the organisation at its control. Disjointed action must, above all, be avoided by branches. Evidence is not wanting that numbers of men have joined, and are joining the League, who give but a half-hearted allegiance to its full programme. It will be the effort of the Government to propose such a measure as will be calculated to satisfy the weak-kneed reformers outside and inside our ranks, who are willing to accept half measures, as godsend, and who are likewise desirous of promoting the sway of Whiggery in Ireland. If men who denounced the programme of the League six months ago, but are now numbered among its members, are allowed to use a single branch of our organisation as a platform of compromise with landlordism, or as a lever of disunion to weaken the power and influence of this great movement, the work of the enemy will have been performed, and a new lease of life be given to that system which otherwise can be crushed and banished from our midst.

“Organisers and officers of the League, speaking at public meetings or writing to the public press, are expected to enunciate the Land League platform of no compromise or partnership with landlordism, and to repudiate the proposals known as the three F’s now being advocated by landlord organs, in hopes of saving a doomed system from destruction, and giving fixity of tenure in Ireland to most of those evils which have already depopulated our country, pauperised our people, and instigated those crimes which are now being charged by their real authors upon the organisation which aims at their prevention.

“In no period of the League’s existence was it so absolutely necessary for the tenant farmers and labourers throughout the <sup>Crime and</sup> <sub>Outrage.</sub>

length and breadth of the country to keep a firm grip upon and control over their passions and indignation at wrongs perpetrated and injustice threatened than at the present hour. The evil system which has so long been the curse of their families and existence is now gasping out its criminal life in face of the whole world—dethroned, discredited, and on the point of being destroyed by the stern but passionless action of a united and indignant people through the means of a bloodless revolution. To consummate its death should be the effort of every member of the League, to have the civilised world bend back its thumbs and give sanction to that decree against landlordism should be the aim and desire of every man upon whom it has inflicted injuries. How is this to be effected? To show the world that the just use of organised strength is to remedy present evils, and not to avenge past wrongs—to convince our enemies that we have at last learned how to evolve out of ourselves, build up, and control a power which can be directed by judgment and reason in the practical amelioration of our wrongs and grievances, instead of allowing it to fall a prey to that intoxication of purpose and unsystematic action which have hitherto purchased the defeat of the people's cause. To effect this object demands no sacrifice from any man in our ranks but that of temper and passion; to see it triumph requires no action but such as the League points out in its teachings and rules. Firm and determined attitude in making just demands without violence—to enforce what intelligent, legal, and resolute combination can obtain—enunciation of just principles and motives to convince where intimidation entails a conflict with law—arguments and motives based upon right and common good, when born of deep and honest conviction, will be found a more potent agency in furthering the cause of free land, and helping the League in winning it for the people, than means which jar upon the public mind and tend to alienate the sympathy of outside observers. Threatening letters are as unnecessary as they are stupidly criminal and unjustifiable; and we feel assured that no member of our organisation has resorted to such a method of making just demands which invites the stigma of cowardice and clumsily plays into the hands of the landlords. If a just right cannot fearlessly be demanded by a victim of landlord power when a powerful organisation is at his back to protect him, he deserves neither a concession from the landlord nor assistance from the League in obtaining it.

“In speaking of injuries inflicted upon dumb animals, we cannot

for a single instant believe either the numerous reports of these monstrous outrages which the landlord organs are publishing, or that a single man within the ranks of our organisation would be guilty of participating in the few cases which we are sorry to say have been authenticated. No injustice in the power of Irish landlordism to perpetrate upon our people could justify in the least degree the unfeeling brutality which inflicts injuries or suffering upon harmless and defenceless animals, in revenge for the wrongs committed by their owners. While dwelling upon this painful subject we would point out to the officers of the various branches throughout Ireland the advisability of informing the executive of the League of any outrage occurring in the locality, in order that reliable information may be at hand to correct the vicious exaggeration given to insignificant occurrences by the landlord organs. Agents of the Associated Press throughout the country are known to have manufactured outrages near their districts in order to turn them to account in obtaining money by feeding the criminal appetite of English readers ; and it is well to remind those gentlemen that while the privileges of the press entitle them to publish facts and make any just or fair comments thereon, deliberate concoction of outrages will be looked upon as real outrages upon the character and name of the Irish people. A fair and judicious use of the power of combination against the enemies of the people, traitors to the League, or instruments of unjust eviction or other landlord injustice, will work the requirements of our movement in the present crisis, without any resort to means or methods which would offer a pretext for foul play against the organisation or estrange the moral support of public opinion outside of Ireland from a just and noble cause.

“Respectfully submitting the foregoing suggestions, we remain your obedient servants, THE EXECUTIVE OF THE  
IRISH NATIONAL LAND LEAGUE.

“Offices of the Land League,  
39 Upper Sackville Street, Dublin,  
13th December 1880.”

That was, as your Lordships have heard, published and circulated in December 1880. But again so <sup>Denuncia-</sup><sub>tion of Crime.</sub> lamentably deficient have been the instructions of the

Attorney-General that his attention has not even been called to it. My Lords, between that day in December and the 3d February 1881, Mr. Michael Davitt alone, to say nothing of the other speakers whose utterances will hereafter be referred to, attended no less than 25 public meetings, and at every one of those public meetings, in strong, earnest language, he denounced outrages, and condemned and held up to obloquy their perpetrators. Not one of those speeches has been read in the course of the case for the prosecution. My Lords, I have, and must hereafter call your attention to it, a small volume of similar speeches by other members of Parliament and persons taking an active part in this organisation, and yet in face of those facts the Attorney-General was instructed to make these two statements which I will read. At page 73 he said :—

*The Times Case.* “Upon the one side I shall put before you affirmative evidence of the infamous speeches that were being made by many of these men, sometimes by the leaders themselves, and at other times in their presence. On not one single occasion do we find the slightest speech, or one single expression directed to diverting the minds of people from outrage—to diverting them from the acts which certainly followed, and which to the knowledge of these men followed.”

And again, on the next page (74), these further words (the reference in each case is to the speech in *O'Donnell v. Walter* in the official Blue Book) :—

“During the whole period of these years there is not, so far as I know, one solitary speech amongst the thousands delivered in which any one of these men deprecated the outrages which were undoubtedly going on.”

My Lords, before your Lordships that language has been slightly, but only slightly, modified, and I find this passage :—

"They" (that is, the leaders), "with scarcely an exception, never denounced these outrages or took any steps to put an end to this, which was, if I am correctly instructed, one of the most cruel tyrannies that ever existed in any country in the history of the world.

"Many of those whose names are included in these particulars knew, and must have known, that sums of money were being paid, not in an exceptional instance, but over a long period of time, to persons who were engaged in carrying out the acts of violence and crimes to which I have referred."

And again :—

"No single step is taken to denounce the crimes, or those guilty of any of these outrages."

Again :—

"Probably not on one single occasion may the evidence which I shall lay before your Lordships as it now stands have to be slightly qualified. I believe it will be possible to show that in one or two speeches there is something like a reference to—I cannot call it a condemnation of—the outrages and the crimes which have been committed, but at any rate the statement is true that in the vast majority of instances there is language inciting to crime, without the slightest condemnation of the outrages which followed from the conduct so directed."

And on the second sitting of this Commission :—

"Why is it that there is not one single speech, one single attempt made by these great leaders, this great constitutional party, to restrain the Land League ?"

Your Lordships will recollect one of the earlier witnesses called whose name was O'Malley, a police reporter. He attended, according to his account, some 200 meetings, principally, I think, in the west and south, and his evidence, as your Lordships will find it at page 468 of the Commission, is this, that denunciations of crime and outrage as a rule occurred at each of these

*The Times*  
Evidence.

meetings by the speakers, and amongst others by the priests who attended at those meetings.

I will not repeat, for your Lordships have been good enough to give it an attentive listening, the injunctions contained in those instructions to the organisers. To one point only do I desire to refer, to the point which insists upon the selection for the governing body of the local branches the men of the best position,—I am not giving your Lordships the exact words but the idea—the men of the best position and of the best reliability in point of character and conduct that can be obtained and selected in the neighbourhood. I think that is important upon a broad consideration of the true character of this combination, because, as a matter of fact, as your Lordships ultimately, I think, had it made apparent, the Land League in its branch organisation practically embodied, at least so far as membership was concerned, by far the great majority of all the people in each of their neighbourhoods; and in an enormous number of Land League branches the effort was made, and successfully made, to get the parish priest or the Catholic curate of the place or both to assume the most responsible position in relation to it.

My Lords, can it be for one instant suggested that these men, the priests of the country, the leading men of the neighbourhood, of the farming class—I do not mean magistrates and landlords, but I mean of their class, of tenant farmers—that all these men were engaged in a criminal conspiracy, and were adopting violent and criminal means and methods for the effecting of their objects? Unless your Lordships are prepared to cast that stigma and support that accusation against priests and people throughout Ireland, with what show of justice can it be cast upon the men who were at the

head of the movement, who were attending to their Parliamentary duties, and to a large extent at least occupied with other and different concerns ?

My Lords, the force of that consideration will become, I think, still stronger, when I show your Lordships that in the time of the worst trouble, of the most grievous crime, the action of the Executive Government had resulted in the complete disorganisation of the machinery of the Land League, in the putting in prison, not merely the leaders who had the general control of its central organisation in Dublin, but also a large number of its local representative men, its presidents, its secretaries, and its treasurers.

My Lords, while Mr. Davitt was engaged in undoubtedly furthering by his presence and his speech the agitation, and at the same time, as I have intimated, honestly and earnestly denouncing crime, he was stopped in that work on the 3d February 1881. For, being at large on ticket-of-leave, his sentence not having expired, he was arrested ; I think the nominal charge being that he had not acted conformably to the conditions of his ticket. The real reason, I think it cannot be doubted, was something different. He was released on the 6th May 1882. He was re-arrested, I mention it out of date, in January 1883, for a speech which he made at Navan, or after a speech which he made at Navan, which will be hereafter referred to, and was finally released in June 1883. Therefore, with the exception of the interval between the 6th May 1882 and January 1883, he was in prison from February of 1881 to June 1883.

My Lords, to him succeeded in the headship, if I may so call it, of the central organisation in Dublin Mr. John Dillon. He in his turn was arrested on the

Davitt arrested.

2d May 1881, released on the 7th August 1881, re-arrested on the 15th October 1881, and ultimately released in May 1882. At this time there had passed what is known as Mr. Forster's Coercion Act ; that Act received the Royal assent in March of 1881.

To Mr. Dillon succeeded in the headship of the central office in Dublin Mr. Thomas Sexton, member of Parliament, and now for the second year Lord Mayor of Dublin. He continued from very soon after the arrest of Mr. Dillon in May 1881 up to about September 1881 as the head of the central organisation in Dublin. In September 1881 he became ill, and while, as I am instructed, still ill, he was in turn, on the 14th October 1881, arrested as a suspect under Mr. Forster's Act, and, I think in consequence of his state of health, was released on the 1st November 1881. To Mr. Sexton, in the headship of the central office, succeeded Mr. Arthur O'Connor, member of Parliament. Then followed other arrests, which I shall in a moment call attention to, and to evade arrest Mr. Arthur O'Connor left Dublin and came to England. Mr. O'Connor's first act, when he succeeded to Mr. Sexton, was to employ and bring into the office for the purpose of keeping the accounts and books of the League in order, a public accountant or a gentleman from the office of a public accountant in Dublin. That gentleman was Mr. Phillips, who, according to the evidence of Mr. Soames, availed himself of his position of trust in the Land League to carry away from the office of his employers a number of documents, some of which have been produced ; the only one of any consequence that I can recall, and I think the fact is so, being a letter, which your Lordships may remember, from one Timothy Horan, who is since dead, and who was at the time secretary

of the Castleisland branch of the Land League. To that letter, and to the incidents to which it refers, I will later recur.

I wish, my Lords, to explain fully the position of this matter. I have followed out this succession of persons down to Mr. Arthur O'Connor, who was the last person who had anything to do with the conduct of the business of the League at the central office in Dublin, and the rest of the direction, such as it was, was in Paris during the action of the Land League, because, seeing that the Coercion Act was then pending and that the arrest of Mr. Davitt had pretty well shown what the intention of the executive at that time was, Mr. Egan, the treasurer, went to Paris in February of 1881 and remained in Paris, and that fact your Lordships will find not an unimportant consideration in relation to the evidence, amongst others of Delaney. He remained in Paris until December 1882. I am not sure whether he did not visit Dublin on one or two occasions in the interval. I do not wish to express myself quite positively about it. I know that he did come to this country; whether he went to Ireland I am not sure, I rather think he did; but practically from February 1881 to December of 1882 he was resident in Paris.

Now, my Lords, I wish to show what was done with the other officers of the League, and the men who were connected with the League. Boyton was arrested as a suspect on the 8th March 1881, released on the 30th November 1881. Sheridan was arrested on the 15th March 1881, as a suspect, released on the 18th September 1881. Mr. Harris was arrested on the 16th April 1881, released on the 3d February 1882. I have already spoken of Mr. Dillon's arrest in May of 1881, and his release in August of 1881. He was again arrested

Arrests.

when there was a general arrest of the leaders, as I will presently tell your Lordships, on the 15th October 1881, and released, as I have already mentioned, in May of 1882. Thomas Brennan was arrested on the 23d May 1881, and released on the 16th June 1882.

Your Lordships will find these dates very important, especially in reference to Brennan (they are also important as regards some others), having regard to the evidence of at least one witness, suggesting complicity on the part of Brennan in the Invincible Conspiracy. He was in custody from the 23d May 1881 to the 16th June 1882. Then Mr. Parnell was arrested on the 13th October 1881, released on the 2d May 1882. Mr. O'Kelly was arrested on 15th October 1881, released 2d May 1882. I have already given your Lordships the date of Mr. Sexton's arrest. I will repeat them again in this connection, if your Lordships wish. Mr. Sexton was arrested on the 14th October 1881, released on the 13th November 1881. Mr. William O'Brien was arrested on the 15th October 1881, released in May 1882. Dr. Kenny, member of Parliament, was arrested on the 24th October 1881 (all as suspects), released on the 8th February 1882.

Immediately following upon these arrests the Land League was suppressed by proclamation of the executive, and before, during, and after the period covered by the arrests of the principal members of the League, whose names I have given, there were going on all over the country, the arrests of a number of persons, a large proportion of whom were in official connection with local branches of the League.

I need not, I think, labour the point. It is obvious that, when that state of things was arrived at, when the responsibility was taken away from the leaders of

the movement centrally and locally, when members capable of directing, governing, and controlling were in this way removed, I think your Lordships would naturally expect there would follow what did follow, namely, the disorganisation of the whole of the Land League movement all over the country ; and your Lordships would also expect that we, in such a position as that, would find it practically impossible to produce the records, either books, correspondence, or accounts, with the same exactness and the same completeness as your Lordships would expect the books, accounts, and correspondence of a merchant to be produced ; or, perhaps, for this purpose a better example, as your Lordships would expect, and would be justified in expecting, in the case of the National League, which dates from October of 1882, and I believe I am justified in saying, that we have in all respects as to its action, its correspondence, its machinery, its funds, and its accounts, full and complete information to be placed at your Lordships' disposal.

As regards the books of the League, some, I think, found their way to Paris, which of them I do not exactly know. I have never seen them. Some found their way through the instrumentality of Mr. Arthur O'Connor, and, I think, Mr. Henry Campbell, to Liverpool, and from Liverpool to London, into the hands, I am not sure of the gentleman's name, but I think of Mr. Molony, and Dr. Kenny, in the affidavit which he made for the purpose of discovery, has informed your Lordships, and, of course, informed those who instruct *The Times*, of this fact. I myself have not seen such books as Mr. Molony has. *The Times*, I understand, and I presume upon the information that Dr. Kenny in his affidavit of discovery gave them, subpœnaed Mr. Molony to produce

these books. They have not thought it apparently useful to produce them ; at all events, they have not produced them.

Now, my Lords, under what authority was all this done ? It was done under the authority of the Act passed in March of 1881, which I have described by the name of Mr. Forster's Coercion Act, as it was known. I do not think there is any one, on any side of politics, who would at the present day justify that Act. I will tell your Lordships what it was. It was an Act which authorised the executive, on their being satisfied that any one was "reasonably suspected" of criminal action, to take him into custody, to imprison him for an indefinite time without any opportunity contemplated or machinery provided for the person so alleged to be suspected, so seized, and so held in custody, being ever brought to any judicial tribunal for trial. An extreme measure, I need not say an unconstitutional measure, but it was justified by Mr. Forster with perfect honesty of purpose, I doubt not ; it was justified by him upon the information given him by the executive—when I say by the executive, I mean by police agents and by inspectors and magistrates throughout the country ; a great proportion, I beg your Lordships to recollect, of this class being themselves landlords, against whom this land agitation was unquestionably directed—and justified by Mr. Forster from the official information he in this way received, on the ground that this was in truth no national movement—that it was the work, to use an expression which he more than once used in the House of Commons in forcing it upon that House—the work of a few village ruffians. His case in the House of Commons was :—Give me authority to put these village ruffians into gaol and to keep them there until

Forster's  
Act.

the country quiets down ; the country will quiet down, and thereby the peace of the community will be secured.

My Lords, it is true to say, right to say, that I do not doubt that, unconstitutional as this measure was, indefensible as I think everybody now admits it to be, that there were persons seized and arrested under it who may have been, and probably were, parties to criminal misconduct, but the effect of this mode of treating them was not to allay but to increase the causes of disturbance. The effect of each one of these persons being arrested, not brought face to face with his accusers, put into prison almost by *lettre de cachet*, was to make that man a hero in the eyes of his friends, his neighbours amongst whom he lived—to make his arrest a fresh cause of local disturbance—nay, it had even a worse effect than that, for it had the effect of making men—many of them upon their own merits and upon their own conduct, probably not entitled to public sympathy at all—martyrs in the eyes of their neighbours and of the public, and to such an extent did that mistaken policy prevail that the title of “ex-suspect” came absolutely to be used as a title of honour. I have myself seen, years after the release of these men from prison, letters in which they signed themselves “ex-suspect,” as if it was a title of dignity.

Well, my Lords, these men were described as village ruffians, and the description may have been true as to a portion of them, yet many a one, I take leave to say, without poetical exaggeration might be described as a

“Village Hampden, who with dauntless breast  
The little tyrant of his fields withstood.”

But if that was the effect upon the public mind and on

the public peace in the case of the class to whom I have referred, how much more intense was the feeling when the people of Ireland found their trusted leaders, the men who were battling, as they believed, for their rights, whose only offence was that they had assumed their cause and made it their own, that these men were thrust into prison under like conditions, no accuser whom they could meet, no jury or other tribunal to whom they could appeal? The result was exactly what one would have anticipated: disorganisation of the Land League, the absence of control by its officers of its movements, widespread and increasing discontent and disturbance—ay, and increased and increasing crime; for your Lordships will find that over the whole of the period into which you are inquiring the worst period of crime was during the operation of that Coercion Act and the imprisonment of the Land League leaders. The worst period of crime was the period which immediately followed the imprisonment of its leaders.

I know it may be suggested, and I desire to leave no suggestion of that kind untouched, that there was another cause in operation, namely, the issue of the "No Rent Manifesto." I do not deny that it is quite possible fairly and reasonably to suggest that that also may have had a disturbing effect upon the peace of the country, but I say it could have had no effect, upon the peace of the country, anything like proportionate to the effect consequent upon the breaking up of that controlling power of the organisation which followed on the imprisonment of the local, as well as of the central, leaders of the organisation.

"No Rent  
Manifesto."

As regards that "No Rent Manifesto," I do not justify the issue of it. I doubt whether Mr. Parnell would

justify it; if he did, he would say this, that it was an unconstitutional blow in return for an unconstitutional blow. He would say, and I think justly say, it did something, or might have done something, to bring the executive and the landlords, whose interests by these proceedings they were supposed—erroneously supposed—to be serving, more speedily to the sense and belief that the peace of the country was not to be secured, nor the settlement of the Land Question to be arrived at, by the imprisonment of the Irish leaders. But as regards any actual operation in the withholding of the payment of rents, I boldly profess this opinion, that, looking to the position of the ordinary Irish tenant, to the fact that he has no resource to look to but continued occupation in his holding, I do not believe that any organisation, however strong, or any external inducement, however forcibly put, will prevent that man from paying the rent, even the unjust rent, which he owes by the terms of his contract, provided he has the means to do it, if the alternative is that he will lose for himself and his family and his children the protection of his house and home. I do not mean to say there may not be isolated cases to which my general observation would not apply, but I believe, speaking generally, that the Irish tenants have in the past and even in the present times strained every effort to keep their holdings, however great the pinch and the stress of penury which has been put upon them.

My Lords, as a matter of fact, the "No Rent Manifesto" was circulated only for a limited period, and your Lordships may recall the statement, which I believe was strictly accurate, of Captain O'Shea, who, referring to his interview in Kilmainham, in, I think, about the month of April 1882, said he was then told

by Mr. Parnell that the “No Rent Manifesto” had been for months—I think that was Captain O’Shea’s expression—had been for months a dead letter.

Now, my Lords, I should like in this connection to show your Lordships how the question stands. My learned friend Mr. Asquith, and my other learned colleagues (whose services I cannot sufficiently acknowledge), have helped me to put before your Lordships, in what I think is a succinct and clear form, two aspects of the figures of crime of 1880, 1881, and 1882. Your Lordships will recollect that the Land League was suppressed in October 1881. The following table shows that from October 1881 to April 1882, making inclusive seven months, crimes of all kinds of an agrarian nature amounted to 3531, or an average for each of these seven months of 504 in each month.

Agrarian  
Crime.

“AGRARIAN CRIME

“1880-81-82

		1880.	1881.	1882.
January	.	...	448	495
February	.	...	170	410
March	.	...	151	542
April	.	...	308	465
May	.	...	351	401
June	.	...	332	284
July	.	...	271	231
August	.	...	373	176
September	.	168	416	139
October	.	269	511	112
November	.	561	534	93
December	.	866	574	85
Total	.	1864	4439	3433

“From October 1881 to April 1882 (inclusive, seven months) = 3531, or an average of 504 per month, which is higher than during any other corresponding period.”

I present also, my Lords, another view of these figures as to crime over this period. This view is merely conversant with the crime of murder. Your Lordships will recollect that the Attorney-General examined the statistics, taking the period thus—the statement will be found at page 198 of his opening. He took the periods 1877-79, which would be three years; 1880-82, three years; 1883-84; and the years 1885-87, and he worked out this result: 1877-79, before the Land League, 20 murders; 1880-82, during the Land League, 50 murders; 1883-84, one murder; 1885-87, 19 murders.

My Lords, I point out first of all that, in its full force and intensity the effect of the disastrous year—the culminating disastrous year of 1879—did not begin to be felt until 1880-81. But still more, that the disturbing cause, the thing which is the most widely connected with disturbance, with crime, and with outrage, namely, the increase of landlord activity in ejectments, especially when they have ripened into evictions, that this was in greater force, according to the figures which I yesterday gave your Lordships, in the years 1881-82.

I have another and contrasted table for this purpose, and for the purpose of this contrast I am dividing the periods differently. I am taking the same figures, adopting the same figures of murders which the Attorney-General has given, and what is the result? I have only troubled you with the Attorney-General's figures as to murders. He referred to others also, and I shall in this contrasted statement deal with them all. Take the two years for 1880-81. The average of crime. murders for those two years was  $12\frac{1}{2}$ . The total in 1882 alone, when the Land League was a suppressed

body, was 26. Taking "firings at the person," the average of the two years 1880-81 was  $45\frac{1}{2}$ . For 1882 alone, when the Land League was suppressed, 58. The average for the two years 1880-81 of "incendiary fires," and so forth, 283. The total for the year 1882 alone, was 281. "Cattle outrages," the average for the two years 1880-81, 128. In 1882 alone, 144. "Threatening letters," average for the two years 1880-81, 1764. Total in 1882 alone, 2009. "Firing into dwelling-houses," the average for the two years 1880-81, was 105. The total in 1882 alone, 117. In other words, the average for the two years 1880-81, of all the offences together, is 2338 as against 2635 in 1882 alone.

Then, my Lords, the Attorney-General went on to refer to the outrages over the later period, and he connected their diminution with one cause, the operation and force of the Crimes Act. I attribute them to another and a different cause. I quite agree that the stringency of criminal law may restrain, but only for a brief period, the appearance of crime. It does not alter the temper of the people. It does not bring them in closer sympathy with law; it does not increase their respect for the law. You may drive for a time the appearance of crime beneath the surface, but it is the most you can accomplish. There was in operation, in those later years, that which the Land League had desired should be in operation long before—the history of which I will presently give you—the operation of a Land Act, that of 1881, the first great charter of freedom for the Irish tenant farmer. And there was in operation an Arrears Act, which, if the wise counsel—for wise it proved to be—of the Irish members had been followed, would have been passed long before, and would have made the operation of the Land Act much more wide-

spread and much speedier in its tranquillising effect upon the country.

If I have succeeded in conveying my method of proceeding to your Lordships, you will understand that I am not at this stage dealing with the evidence, in any kind of detail, relating to particular crimes. I propose to do that a little later. I wish to complete the narrative, the whole story, only referring incidentally to matters which are necessary to make my narrative clear, preserving—as far as in such a story it is possible to preserve—the order of time.

My Lords, I would, however, in passing, ask leave Raids and Searches. to point out, as your Lordships recollect, the exceptional advantages which *The Times* have had—I speak not merely of the ability of their counsel and of their solicitor, but of the special advantages to which I, early in my observations, referred in this matter. I am not complaining, but merely referring to the fact, that they have had at their disposition in the establishment of the charges which they have advanced, practically all the means of knowledge which the executive have had. When your Lordships recollect that raid after raid, search after search, has been made with the view of discovering in the possession of persons, connected officially with the Land League, incriminatory documents—raids which even extended to the central office itself in Dublin—when you recollect that, I do ask your Lordships is it not an extraordinary fact, not that they have obtained so much, but that in the case of an organisation so widely spread, with so many branches, that they have been able to find, and have succeeded in producing so little that is in any way of an incriminatory or damning character? I beg leave to say—I believe I have the assent of my friends—I do

not desire to overstate my case, but I believe I am correct in saying that the result of all the searches, to which I shall in a moment call your Lordships' attention, all information supplied by the police, and by their reports to their superiors, was one document, and one document only. The letter of the dead man, Timothy Horan, the secretary of the Castleisland branch of the Land League, is the only one which affords even a shadow of a shade of foundation for the reckless statement—I do not mean reckless as far as the Attorney-General is concerned, but reckless as regards those who instruct him—that the ordinary machinery, the normal and regular machinery of this popular organisation was employed in attempts at outrage.

What were these searches? They extend from 1882 down to, I think, the latest in 1884. I have already referred to the assistance which, in betrayal of his confidential employment, Mr. Phillips, the accountant, appears to have rendered. He appears to have been able to secure that one document, and that one document only, to which I have referred. Now what were those searches? And when I point attention to those searches, I wish your Lordships to understand that if we knew the full extent and number of them, it would strengthen my observations a great deal more. I am dealing with only those that have appeared in the course of this case, and that have incidentally come out, or directly come out in the course of the evidence for the prosecution. It may be that the explanation suggested to me is the right one, that these have been brought forward because, if they can be so called, they were the only ones that were fruitful, that the fruitless ones have not been mentioned or been kept in the background.

M'Carthy, of the Royal Irish Constabulary, page

886, in August 1884 searched the house of John Mahon, treasurer of the Land League of the Farranfore branch, because, says M'Carthy, he was suspected.

O'Brien, of the Royal Irish Constabulary, at page 1393—I am reading this to your Lordship not in the order of date, but in the order in which they appear in the evidence of the proceedings—on the 22d November 1884 searched the house of Steele, a correspondent of Lahive, secretary of the Ahadda branch of the League, and he produced two letters signed by Lahive, secretary of the branch, and that search was apparently made for the purpose of seeing whether he could not get evidence to prosecute this secretary.

Royse, of the Royal Irish Constabulary, page 1442, on the 11th January 1883 searched Mahony's house at Ballydehob, and a large number of documents were produced, not one of which is worth my making even a passing comment upon.

Mr. M'Ardle, of the Royal Irish Constabulary, on the 10th of August 1882 searched the house of Michael Cullen, of Foxford, County Mayo, secretary of the Foxford branch, and found some letters with reference to the defence of prisoners, and instructions as to the procedure in cases of eviction, and an interesting historical document, the amended constitution of the I. R. B.

On the same date, the same gentleman, evidence page 2125, searched the house of Martin Sheridan, of Ballagh, brother of P. J. Sheridan, in order to get documents to incriminate that person.

Roger, of the Royal Irish Constabulary, page 2176, on the 6th of April 1883 searched the house of Mrs. Mary O'Connor at Athlone, the secretary of the Ladies Land League. I will not even stop to criticise those

letters, for they have nothing in them worthy of notice.

Wilkinson, of the English police, page 2359, searched the house of John Walsh at Rochdale in February 1883, and produced a number of documents, the relevancy of which I protested against at the time, and complained that no evidence was shown connecting them with any time over which your Lordships' Commission was extending or inquiring into. I did not know what the documents were, but I demanded, I respectfully submitted, their relevancy should be shown. They were all put in—I do not complain of it—a number of documents relating to the Fenian Brotherhood—an imposing array of statements about stands of arms and what not—not one scintilla of evidence to connect them with anything except a remote period. If I am wrong I should be very glad at any moment to be set right in relation to it.

Coulson, at page 2089, on the 12th of November 1881, searched the house of Tobin at Bradford.

James Kent, of the Irish constabulary (page 2843) in August 1882 searched the house of Edward O'Connor, secretary of the Ballimo branch of the Land League in Galway.

Then at pages 1926, 1052, and 2227, we have a long account of documents seized at Mr. Matthew Harris's house. I leave my learned friend Mr. Lockwood hereafter to deal with those documents. I glanced at some at the time. There was a great mass of them. It showed that Mr. Matthew Harris was revolving apparently at one time in his mind some very comprehensive schemes for national, as well as for land reform, and apparently a not very inconsiderable part of these notes were speculative or political inquiries

which Mr. Matthew Harris was in his leisure moments indulging in and committing to writing. But as regards those documents, as far as I saw them, there was not one which could throw the least light upon any question involved in this case. The story of the way in which those documents were obtained, again points to the means of complete information that is at the disposition of the prosecution, because what appears to have occurred was this, that the police—upon what justification I know not, for we have not been told by what legal right—entered the house of Mr. Matthew Harris, possessed themselves of his documents, took copies of his documents, and then replaced in his house the originals. The Attorney-General having in his possession the copies, called upon Mr. Matthew Harris to produce the originals, and Mr. Matthew Harris said : “By all means,” or through his counsel said : “Read your copies.”

My Lords, apparently the Irish police are not very particular to ascertain the precise legal grounds upon which some of their proceedings are based, for we have had various little indications of acts, which I think I might call extra-legal, which they performed in these seizures. There was Mr. Kelly, who seized copies of the *Irish World*, authorised by no law that I am aware of, but, to use his own phrase, acting as a policeman ; and Mr. Harvey, also of the Royal Irish Constabulary, who did the same, and seized a number of parcels that arrived, and when called upon for his justification, said it was because Mr. Newall, the district inspector, told him to do it. These are small incidents, I admit, my Lords, but they are incidents, nevertheless, showing the mode in which the law is administered, and the rather high-handed way in which these people are dealt with.

X.

HISTORY OF LAND ACT, 1881

*Land Act, 1881.* Now, my Lords, I enter on a more important subject. I come to the history of the Land Act—the Land Act of 1881 ; an Act that, if it had been passed fifty years ago, or at the time of the Devon Commission, would have undoubtedly changed the social condition of the Irish people in a remarkable degree. The fault of legislation in regard to that country has been that it has come too late ; that it has come only after pressure ; that often it has come after exceptional pressure, and under circumstances which undoubtedly weaken its effect, and deprive it of all its grace. My Lords, that is true of this Act of 1881. I well remember the opening session of that Parliament in which, in the Queen's Speech, this Land Act was referred to, and the Prime Minister's speech referring to the subject ; and I convey, I think, correctly—and it is important I should—the impression, formed by most minds anxious upon the subject, when I say that the Prime Minister of that day (I mean Mr. Gladstone), in his original reference to great measures relating to Ireland, namely, the Coercion Act and the Land Bill, foreshadowed in his speech a strong Coercion Act and a weak Land Bill ; nor do I blame the Prime Minister. He had appointed a commission, one of the many commissions to which

your Lordships have had reference made, he had appointed a commission to examine and report upon this subject. He was sincerely anxious to deal with it, and to deal with it, I doubt not, thoroughly ; but he had a difficult task ; he had enormous class interests opposing him both in the House of Commons and in another place.

What had been the attempts made on previous occasions by the Irish party who have been held up to reprobation as personally interested, not in helping, but in delaying just legislation, with the view to keep up the spirit of discontent in the country ? I will trouble you with only ten years of what I may call rejected Land Bills, every one of them, with hardly an exception, brought in by Irish members. In 1871 a bill was introduced by Serjeant Sherlock ; in 1872 by Mr. Butt. In the same year another for the amendment of the Land Act of 1870 by Mr. Butt. In the same year another on the same subject by Mr. Heron, then a member returned by an Irish constituency. In 1874 another by Mr. Butt. Another by Sir John Gray. Another as regards the Ulster Tenant Right by Mr. Butt. Another as regards the Land Purchase Extension by The O'Donoghue. In 1875 one by Mr. Smyth, one by Mr. Crawford, son of Mr. Sharman Crawford, whose name is associated with continued effort extending over a series of years to deal with this question. In 1876 one again by Mr. Crawford, one by Mr. Mulholland, a Conservative member for Ireland, one by Mr. Butt. In 1877 another attempt by Mr. Butt, another attempt by Mr. Crawford. In 1878 an attempt by Lord Arthur Hill, an attempt by Mr. Macartney, an attempt by Mr. John Martin, and an attempt by Mr. Moore. In 1879 again by Mr. Macartney, and again by Lord Arthur Hill. Again

Previous  
Attempts  
at Legisla-  
tion.

by Mr. Herbert, in addition to one by Mr. Taylor and Mr. Downing. In 1880 again by Mr. Taylor, again by Mr. Macartney, again by Mr. Litton—not again—that is his first attempt ; finally, Mr. O'Connor Power, and the Compensation for Disturbance Bill afterwards adopted by Mr. Foster in the year 1880.

My Lords, that is one decade, and one decade only, of attempts to deal with this Land Question, every one of which failed to receive even a second reading in the House of Commons. Why ? Not because the justice of the case, the needs of dealing with the case, were one whit less in those years than in 1881, but because what I yesterday called the *vis inertiae* in the public mind and in the mind of Parliament had not been overcome, had not been arrested, had not its attention drawn to the urgency of the case.

My Lords, in considering the Act of 1881 it is necessary that I should remind you of the Commission which preceded it. I told your Lordships yesterday that one peculiarity of these Commissions, of which beyond doubt there has been a sufficient crop, was, that there was not on one of them, until a Commission as late as the year 1886-87, so far as I know, a single tenant farmer. That is to say, not a single tenant farmer was one of these Commissioners, although the object was mainly to inquire into the condition of that very class. I do not mean to say all the Commissioners were not in every case honourable men and men of position ; but they were men whose class interests, to a great extent and generally speaking, conflicted with remedial legislation in the direction in which the people of Ireland required it. This Commission was addressed to Lord Bessborough, a landlord, but unquestionably a landlord of the best class in Ireland, as I understand his

reputation ; to Baron Dowse, to the O'Conor Don (also a landlord), to Arthur M'Morrough Kavanagh, a landlord of landlords, and to Mr. William Shaw, who may be said to have represented the Irish section of members of Parliament at that time.

My Lords, I am very loth to trouble your Lordships with long passages from this report, but I think it is necessary to make it clear (I have already tried to do so by comments of my own) why the Act of 1870, passed with the best intentions, was an utter failure. I will hand it in, not to have it put on the note, but your Lordships may desire to make reference to it, and I will only refer to one or two matters. Your Lordships will recollect that in the Devon Commission Lord Devon practically warned Irish landlords that the custom and claims of right based upon the fact that the tenants did all the improvements, and built the houses, and maintained them, and so forth, would, if unchecked, grow into a legal custom, which might greatly diminish the proprietary interests and rights of the landlords. The Commissioners in their report, which I have before me (I mean the report of the Bessborough Commission in 1881), say this :—

“ It is probable that the warning given by Lord Devon had a considerable effect in causing efforts to be made, far more systematically than before, to repress the tendency of the claims of tenants to become established in the form of local customs. Another cause which has operated in the same direction has been the extensive transfer, under the action of the Encumbered Estates Court and of the tribunals which have taken its place, ever since the famine of 1846, of ancient properties previously managed in a more or less patriarchal fashion, to new owners. Most of the purchasers were ignorant of the traditions of the soil ; many of them were destitute of sympathy for the historical condition of things. Some purchased land merely as an investment for capital, and with

Bess-  
borough  
Com-  
mission,  
1881.

the purpose—a legitimate one, so far as their knowledge extended—of making all the money they could out of the tenants by treating with them on a purely commercial footing. A semi-authoritative encouragement was given to this view of their bargains by the note which it was customary to insert in advertisements of sales under the court: ‘The rental is capable of considerable increase on the falling in of leases.’ This hint has often been acted on, and rents greatly above the old level—in some cases probably above the full commercial value—have been demanded and enforced, with the natural result, in a few years’ time, of utterly impoverishing the tenants.”

So that your Lordships see I was understating the case yesterday when I pointed merely to the neglect, for a quarter of a century after the report of the Devon Commission, to deal by Act of Parliament with this question. For, as here stated, the warning which the Devon Commission gave, and which pointed to the need for an equitable adjustment of the relations between the two classes had been acted upon, as these Commissioners say, “far more systematically than before to repress the tendency of the claims of the tenants.”

Then, my Lords, they refer to the Act of 1860, which is not an important Act in itself, but rather a retrograde Act, the Act which I yesterday called Mr. Deasy’s Act. Mr. Cardwell (Lord Cardwell) and Mr. Deasy, in the House of Commons, were responsible for it. It is known in Ireland as Deasy’s Act. That Act is referred to by the Commissioners thus:—

“This enactment has produced little or no effect. It may be said to have given utterance to the wishes of the Legislature that the traditional rights of tenants should cease to exist rather than to have seriously affected the conditions of their existence.”

Then they proceed to consider the Act of 1870. They point out the respects in which it has failed, and I am afraid I must trouble your Lordships with two more passages from their report.

“ The full bearing of these observations will not be appreciated unless it be remembered that, in nearly all cases of dispute between tenant and landlord, what the aggrieved tenant wants is, not to be compensated for the loss of his farm, but to be continued in its occupancy at a fair rent. This, as the law now stands, he cannot have ; and in order to raise a question before the court he is forced to begin by a surrender of the only thing for which he really cares. The plaintiff in a land claim, if he fails to prove his case, is turned out without the compensation that he claimed ; but, if he proves it, he is turned out all the same. Even the chance that he might, by consent of the landlord, be allowed to continue in possession at the higher rent, the demand of which in many cases has been the sole cause of the suit, and his refusal to pay which has led to the service of the notice to quit upon him, is lessened by the bitterness naturally engendered in a contest at law between himself and his landlord. The Act was intended to confer security upon tenants, and has to some extent succeeded in so doing ; but it has in this respect introduced a new element of insecurity. It has converted ordinary disputes over the amount of rent, and over a tenant’s dealings with his holding, into one-sided wagers of battle, where the prize at stake is in all cases first adjudged to the landlord, and the tenant, if successful, is obliged to put up with a substitute. In a word, once the tenant comes into court, all the law can give him is compensation in money. The very fact of his making a claim at all presupposes that he is to leave the land. It is obvious that a statute of this description, the utmost scope of which is to give compensation for the loss of a valuable interest, but no right to be protected in its enjoyment, or to have it restored when it has been taken away, fails to afford protection, on the usual lines, to the tenant’s interest in his holding, if that interest be considered as a genuine proprietary right ; and at the same time it is hard to see on what grounds such legislation is to be justified, if the existence of any proprietary right in the tenant is denied. However useful as a temporary measure at a transitional period, it appears to us that the Land Act contained in itself the seeds of failure as a permanent settlement. As such, now that it has been fairly tried, it is impossible to resist the conclusion that it has failed to give satisfaction to either party.”

My Lords, those words of warning had been uttered

by the representative Irish members when that Land Act of 1870 was in discussion in the House of Commons, and had been disregarded.

The report then proceeds to point out an additional grievance and difficulty, that under that Act the tenant's interest was gradually eaten up by increases of rent; and further, that no scheme will be effective which does not prevent this; which does not establish a tribunal which shall fix the fair rent and practically give fixity of tenure at that fair rent to the tenant. And then they make suggestions which, if they had only been acted upon and carried out, as I have said, years before, would have altered the social, and to some extent affected the political, question in Ireland. Political questions would still have remained, but they would have remained under different conditions, would have been approached from a different standpoint, would have been discussed in a different manner.

Land Act  
1881.

In reference to the Land Act itself, I must mention one other of the prominent members of the Irish party to whom I have already referred. I refer especially to Mr. Timothy Healy, now a barrister at the Irish bar, who on this occasion, as upon others, showed the most remarkable ability. Nobody, I think, will more readily say that than my friend Sir H. James, who is near me, and who took part as one of the ministers of the day in helping that Bill through, that the most remarkable ability and acquaintance with this subject was evinced by Mr. Healy in its discussions.

And, again, I have to point out that two causes operated (even at this date which we have reached, 1881) against a full and complete dealing with this Land Question. In the House of Commons itself there was but little general knowledge upon the subject.

There was still, under the limited franchise which Ireland then enjoyed (limited in a marked degree, even as compared with that of England and Scotland), a strong body of landlord representatives returned from Ireland. In the House itself there is of course a large contingent representing the same interest. Ministers, I presume, have to consider in a state of government such as ours not merely what theoretically they think to be necessary, but what practically they think they can carry through. Nor is the difficulty confined to carrying it through the House of Commons, because there is another and a more difficult barrier to be passed—more difficult upon this question particularly; and I wish to emphasise here, my Lords, this point: that I have the most firm belief that the author of this Act, the Government who have the credit for it, desired most thoroughly to the best of their ability to deal with the matter completely, going to the root of things. But as I well recollect during this discussion in Parliament, we were constantly reminded—the Irish members were constantly reminded—when suggestion after suggestion was made, that, what we had to consider was, that the ship was bound for another port, where the waters were shallow, and suggestion after suggestion, as to evils which have since to some extent been removed, again too late, were made by Irish members and rejected, not upon their merits, but upon the difficulty of piloting the measure with those additions safely through both Houses. And here again we have a perpetuation of the same mischief. It is not until the agitation has increased in volume in Ireland and the discontent is wider, that the Arrears Bill is passed: it is not until a later period, when there occurs, in 1886 and 1887, the most extraordinary and abnormal fall in prices that has occurred, I believe, in

the present century, that the Government, under pressure from without, apply themselves to a task, the need for which was obvious, as far back as 1881, to those who understood the question.

Now, my Lords, I have said that this Bill constituted the first, and I admit it to be a great charter for the Irish tenant class. But it will be asked, Why has it not succeeded? Why, in spite of its wide-reaching protective provisions for the Irish tenant class, had it not immediately a pacifying effect? I will tell your Lordships, for herein lies the whole explanation of the continued difficulties which in a greater or less degree continue down to the present time, some of which I admit have been removed, some of which have been modified, many of which still remain. I will enumerate the

Act, 1881: shortcomings of that Act. In the first instance, it excluded its Defects.

Lease-  
holders  
Excluded.

from its provisions the entire body of farmers in Ireland who held by lease, and when I tell your Lordships that the leaseholders were, many of them, men who had had their leases, I will not say forced upon them, but thrust upon them after the Act, or immediately before the Act of 1870, that they were men in the same rank of life as ordinary tenants at will, holding farms of the same extent, and no better and no worse in social condition, it is obvious that the exclusion of the leaseholders could not but be a cause of discontent and of disturbance. For what you had actually existing all over Ireland was this: on one side of a road you had a farmer, with 10 or 15 acres of land, paying a rent which, under the provisions of the Act, he had a right to have reduced to a fair rent through the mediation of a judicial tribunal, and on the other side of the road, you had a man, with a farm of the same extent, and held under the same conditions, who was excluded from the court, the sole difference

between the two cases being that one held his land under a written contract, with a piece of sealing-wax upon it, and that the other held it as an ordinary tenant from year to year.

Another difficulty was this. The great contest of course always has been—all along the line of history in this Land Question—that the tenants were not to be taxed with an increased rent for the improved value they had given by their efforts to the land. The Irish members complain that the clause which came to be associated with the name of Mr. Healy, the Healy clause, <sup>The Healy Clause.</sup> was not effective for that protection, and their complaint proved afterwards to be realised ; for whereas that clause provided that tenants should not be taxed upon improvements in the shape of increased rent unless such improvements had been made or otherwise compensated for by the landlord, yet by the decision of the Court of Appeal in Ireland in the famous case of *Adams v. Dunseath*, the then Lord Chancellor Law, who was mainly responsible for the Act of 1881, dissenting, the majority of the Court of Appeal held that length of occupation was a form of compensation to the tenant ; in other words, length of enjoyment of that, which the man had himself created, was compensation or the equivalent of compensation, from his landlord. The Act also excluded from its operation all farms which wholly or in part were said to be town parks, in other words, in the neighbourhood of towns of a certain population. The Act also worked in relation to turbary rights in such a way as to keep the people from access to the Land Court, in a large number of cases which came under the Act as it originally stood. Thus they had a right to go to the Land Court to have the fair judicial rent fixed, but the courts decided that the right of taking turf in the

landlord's bog which had been held as part of the holding in the ordinary sense of those words, was not part of the letting of the holding, and that the power of the landlord to charge what price he pleased for his turbary rights or to take them away altogether, was left untouched, and so it happened that in some cases the landlords recouped themselves, by extra charges, for the exercise of turbary rights, for reduction of the rents, and in other cases deterred the tenants from going into the court at all by reason of the fear and apprehension that they would be deprived of these rights ; moreover the Act had no provision whatever for the case of labourers.

I now come to the three principal defects ; it was not retrospective, it was not automatic in its application, and it did not deal with the arrears. Those were the three main difficulties which prevented any immediate effect being experienced from the passage of this Act and which postponed for a considerable time and placed within reach of the tenants, only after considerable delay, expense, and cost, the benefits of the Act itself.

My Lords, upon each of those points I must say something.

I am endeavouring to convey to your Lordships the reasons why, notwithstanding this Act of 1881, there were still existing the elements of disturbance which the Act left untouched, and which required the continuance of the popular movement in order that these points of grievance might be redressed. That is the point I am addressing myself to, and I think your Lordships will really see that it is pertinent. My main argument to your Lordships up to this has been, or a great part at least of my argument has been this, namely, that crime in Ireland springs from the state of the relations of landlord and tenant. That I have, I think, almost

demonstrated to your Lordships. I want to meet the argument which has been suggested in the course of the opening of the Attorney-General, in which, I think, he spoke of the advantages which the Irish tenant class derived under the Act of 1881, as being exceptional advantages, unprecedented in the history of other countries, and pointed out that after that Act had passed there could be no pretence for saying there was any seed from which agitation and crime could spring.

But, my Lords, I have another reason, which I will in a moment or two develop to your Lordships, and which, I think, your Lordships will see is strictly germane to the question. I want to show to your Lordships how this Act was met and dealt with by the members whose conduct is here in question. I want to show your Lordships, when it is said that, in face of this Land Act, they continued their agitation and set themselves against it in place of aiding it, how utterly wrong and mistaken that view is, and to justify their conduct in this regard, showing that it was the conduct of men anxious for the public good. In that view I have satisfied myself that it is relevant, and I do not propose to trouble your Lordships any longer in relation to it than I can avoid.

Now, in relation to the question of the decisions of the court not being retrospective, what I mean is this. The court was speedily crowded with applications. Those applications, which were preferred at the first sitting of the court, were treated as cases then begun, and the decision as to rent reductions dated from that time. But as regards cases after the first application, although years elapsed before they could be dealt with, and before they were dealt with, the effect of the decision in the reduction of rent did not relate back to the date of the

application, but to the date of the judicial decision ; so that, meanwhile, there was running on during the intervening period rent, and the accumulating arrears of rent, at the old and, presumably, the unjust or excessive rent.

Did not  
deal with  
Arrears.

And that, again, my Lords, leads to the second point, which is the question of the arrears of rent itself ; and, I think, I can best and most briefly, and, probably, most clearly, put your Lordships in possession of what I mean to say in reference to this question of arrears by reading one passage, and one passage, I think, only, from the publication of a witness who will be called before you, and which I adopt as my own argument in the case—I mean the publication by the present Archbishop of Dublin, Dr. Walsh, in the November (1888) number of the *Contemporary Review*. Let me point out to your Lordships that this whole legislation in relation to landlord and tenant in Ireland rested upon the ground that they were not respectively free contracting parties ; in other words, that the position of the tenant relatively to the landlord was such as to deprive the tenant of free volition in the matter of contracts as to rents. The writer at page 756 of the magazine in question says :—

“ Another barrier, possibly of still wider reach in excluding the tenants from the protection of the courts, has been raised by the accumulation, absolutely unavoidable in thousands of cases, of arrears of rent. With singular inconsistency the Land Act of 1881, while establishing a tribunal with authority to cut down excessive rents, made no provision for lightening the burthen of accumulated arrears. Under this statute a tenant, who for years had found himself unable to cope with the difficulties of an exorbitant rent, might bring his case into court. It might be found that the rent was enormously in excess of a fair rent—in excess of it possibly by 100, 200, or, as sometimes was the case, even by 300

per cent. An equitable reduction might be effected by the court. But as to the arrears that had resulted from the excessiveness of this exorbitant rent in the past, the courts had no jurisdiction to reduce them by one farthing. In some cases landlords, whose rents had been seriously cut down by the court, proceeded forthwith to bring the judicial decisions to nought, and to wreak vengeance upon the foolhardy tenants who had made the daring venture of endeavouring by process of law to check the confiscation of possibly the last remnant of property in their little holdings. This, unhappily, the law left it fully open to a landlord to do. The power of eviction for the unpaid arrears of the very rent that had been reduced in court remained in the landlord's hands, and unfortunately, in not a few cases, it was a power exercised without mercy. To a tenant heavily encumbered with arrears the legal right of access to a court for the fixing of a fair rent was, in this state of the law, nothing better than a mockery. A decision of the court, effecting even a notable reduction of his rent, could be of no avail to protect him from ruin if the landlord chose to exercise the power of eviction. That decision, indeed, might itself become the occasion of his ruin, suggesting to a heartless landlord the exercise of that formidable power as one of the means by which the decision of the court might be frustrated."

My Lords, one other point and I have said all I intend to say upon this part of the matter, namely, as to there being no immediate and self-operating effect, or, so to speak, automatic effect on the passing of the Act itself. <sup>Not Automatic.</sup> I really do feel, with great deference, that I must have failed to convey to your Lordships as clearly as I ought to have been able to do the pertinence of this. The pertinence of this is, that the charge is brought against my clients, that they, under the sham and pretence of endeavouring to redress social grievances, kept up an agitation for purposes partly political, partly personal, but that there was no real social grievance to redress. I am meeting that part of the case and that suggestion by showing what the grievances were, and what their action in relation to those grievances was, and to show your

Lordships that their action in relation to this Act and after this Act was, all along the line, directed to Parliamentary action and redress, through the operation of Parliament by fresh legislation, by amendments of the existing Acts on the very points of which complaint was made, and from which irritation and causes of disturbance were flowing.

In that relation I wish to say that Mr. Parnell made a suggestion which, if it had been complied with (and like a good many other suggestions it has been partially applied in a recent Act), there might have been immediate relief given to the whole class of the tenantry of Ireland who came within its provisions. That suggestion was, that the Government should, in their Act, fix a datum line for agricultural rent in Ireland with reference to the Government or Griffith's valuation, that is to say, that they should, upon the passing of the Act, declare that, after next rent-day, the rent of the particular holdings, whether it be a certain percentage above or a certain percentage below, should be fixed with reference to one datum line, giving the landlord, if the result was to fix the rent at too low a point, the right of appeal; giving to the tenant, if the effect was to fix the rent at too high a point, the right of appeal also. That principle has been adopted, as I shall show your Lordships, in reference to an Act passed by the present Government in the year 1887, as to which I shall have to say a word or two hereafter. Every one of the points I have now adverted to, which have hindered the full benefits that the Legislature intended to flow from this Act, every one of the points which I have mentioned as defects in the Act, were pressed by one or other of the Irish members upon the House of Commons, supported by independent members in the House of Commons,

again and again and again with pertinacity, and, I have no doubt, in the opinion of many, with obstructive pertinacity.

And now I will show your Lordships what took place Test Cases. after the Act was passed, and the attitude of the Irish members in relation to it. Their view was that, with the object of avoidance of expense to the individual tenants, there should be test cases selected from various parts of Ireland—not the most extreme cases of rack renting, but fair average cases, selected as tests all over the country, and that those properly presented to the judicial tribunal should receive the aid of the Land League, in the hope and in the belief that, if that course were followed, it would lead to inexpensive settling of rent disputes outside the court on a large scale. They did not regard this Act of 1881, for the reasons amongst others that I have given, as satisfactory. They looked for the ultimate remedy where the Government of the day now look for it; in the ultimate scheme of creating, in place of a mere tenant cultivator, occupying proprietors in the land. But pending that, they had prepared and were preparing test cases for this purpose, at the very time when the executive were advised to take the step they did, of imprisoning the leaders of the Irish movement, and imprisoning the local leaders or heads of the local branches of the Land League; and that scheme for the carrying through of test cases was not accomplished.

But, my Lords, I do not know how I can convey to your Lordships' minds the state of the matter. I would like to feel that I had your minds following in the line of thought which I am endeavouring to trace, for I still feel that this is most pertinent to the point. There were other reasons why the Irish members could

not be parties to advising the Irish tenants to rush wholesale into the court. The expense would have been enormous, and has been enormous—so much so, that, in the majority of cases where large reductions have been made, I greatly doubt whether even yet the Irish tenants have to any considerable extent felt the benefit of them, because the cost of the judicial fixing, the costs of appeal which almost invariably followed, in the earlier years, if not still, and the course which was pursued by the landlords, entailed upon the tenant class in costs, in the mere fixing of the rent reductions, an expense which it would take a considerable number of years of those reductions to recoup.

But more than that. They had not faith in the constitution of the Land Commissions. They were not of the tenant class. They were mainly drawn from another class, and it was necessary, in their view, to keep up a pressure of public opinion, that the Land Court might, in fact, be made in some real sense effective for the work for which it was intended, and that was all the more necessary because there was another counter influence at work—I hesitate not to say it—directed to paralysing the action of the Land Commissioners in Ireland. That was the action of the House of Lords, who, in the very year after this Act had passed, and before its operation had begun to be felt in Ireland, appointed a committee to inquire into the operation of the Land Act of 1881; as Lord Selborne expressed it, like mischievous children who, having planted flowers in their garden one day, proceed the next to pull them up by the roots to see whether they are growing or not. It was necessary to excite, it was necessary to maintain public opinion in Ireland if this Act—well-intentioned and broad and liberal in its spirit—was not in its administration to be

wholly and totally impaired and defeated. And so striking, my Lords, was that conduct of the House of Lords, the same House that was responsible for the rejection of the Compensation for Disturbance Bill, the same House whose action has given force and vigour and vitality to the Land League in Ireland, that the House of Commons considered it their duty to pass a resolution for which, so far as I know, there is no parallel or precedent in history, on the 27th of February 1882, before this Act had been in operation for one year, "That Parliamentary inquiry at the present time into the working of the Irish Land Act, tends to defeat the operation of that Act and must be injurious to the interests of good government in Ireland."

My Lords, there is the justification, ample I submit it is, for the position which the Irish members took up in relation to that Act, and why they wisely, properly, prudently, as I conceive, and as I submit, warned the tenant class from rushing indiscriminately into court.

XI.

THE EVENTS OF 1882

Recapitu-  
lation.

My Lords, I have troubled your Lordships with some historical account of the Land Act of 1881, and I have pointed out the reasons why that Land Act had not, in its effect, been immediately felt over the whole of Ireland. I do not intend giving your Lordships the rest of the history of the remedial land legislation in Ireland, at anything like the same length. I referred to that earlier part of it with the mere purpose of showing your Lordships that the action of the Irish Parliamentary party, dictated mainly and guided mainly by Mr. Parnell, whom I and my learned friend Mr. Asquith specially represent, was a constitutional action for the bettering of the condition of the people of Ireland by the action of Parliament; and I need not say that, if that is the right description of the main character of their policy, it is a statement that they were pursuing the best methods of putting down crime and outrage by striking at the causes from which they believed crime and outrage sprung.

My Lords, I have mentioned the fact of the arrest of the leaders of the movement and of a number of others who might not properly be described as local leaders. At the time those arrests took place the Land League had gone to very considerable expense in preparing for

submission to the Land Court some thousand test cases, representing various classes, whose claims to reduced rent it was proposed to submit to the Land Court.

I have, at this stage, to make a passing reference to the Ladies' Land League. This Ladies' Land League existed for a short time before the suppression of the Land League proper in October 1881, and it was finally dissolved by the action of Mr. Parnell soon after the release from Kilmainham, namely, in the August of 1882; and I may here mention that, upon the occasion of the dissolution, Mr. Parnell undertook to discharge the liabilities which had been undertaken by the Ladies' Land League. Those liabilities were mainly liabilities in respect of the maintenance of suspects in prison, the relief of the families of suspects, the defence of a number of prisoners, and the assistance of evicted tenants. I will dismiss this matter by saying that one of those liabilities had relation to a matter of which the Attorney-General has given evidence. I refer your Lordships to the evidence of Mr. Ryan, solicitor, at pages 2821 and 2822, where he speaks of having received a cheque, signed I think by Mr. Parnell and by Mr. Arthur O'Connor, for a sum, as well as I recollect, of £50, for the defence of certain persons who had been charged in connection with the blowing up—or rather with the attempt to blow up—a house called Weston House.

I may dismiss, I think, the story of the Ladies' Land League very briefly; indeed I doubt if I should have referred to it at all, but to remind your Lordships of a statement of a rather remarkable kind which the Attorney-General was instructed to make in his opening of the case. Your Lordships will find it at page 15 of the opening, on the second day. Referring to Miss Reynolds, <sup>Miss</sup> <sub>Reynolds.</sub>

who appears to have been a prominent member of that body, he used this language :—

“ Whose career will be traced, whose course through the country will be traced by the deeds which followed her agitation.”

When that statement was made by the Attorney-General, it conjured up in my mind a picture of deeds of bloodshed and of violence following the appearance of this lady wherever she went through this country ; a picture of this lady wading through blood and leaving bloody footprints behind her. Your Lordships have heard the whole of this case ; you have had volumes of evidence, and I do ask, Where is there to be found, in any part of this evidence, any justification whatever for that broad statement ? Of course, as I have said, that statement was made upon instructions. Upon whose evidence ? Where is the justification for it ?

My Lords, while in Kilmainham, Mr. Parnell was engaged in preparing a measure which afterwards was adopted, piecemeal, by successive governments and different parties. He had the permission of Mr. Forster to have interviews with Mr. Maurice Healy, who, I believe, is one of the persons here accused, who is a solicitor in considerable practice and of considerable ability in Cork ; and Mr. Parnell and Mr. Healy during Mr. Parnell’s imprisonment were engaged in preparing a bill dealing with the question of arrears and dealing with the question of admission of leaseholders, and with some other matters of minor importance.

Now, my Lords, I wish here to make one point intelligible to your Lordships. It is not denied by Mr. Parnell, it is not denied by his colleagues, that he advised the tenants to combine for their own protection ; that he did not differentiate in advising this combination—

whether this be right or be wrong, I wish to state it clearly and unmistakably—he did not differentiate between what may be called the strong tenants and the weak tenants. His object was mainly the protection of the weak tenants. He believed, and I shall justify that, I think, by figures which cannot be questioned, that in cases of all tenants, some in better condition, some in worse condition, the rents which, under their supposed contracts, they were undertaking to pay, were excessive rents, and rents which could not be paid out of the land, and he thought it perfectly justifiable, undoubtedly, to get a combination, in which, all having an equitable claim for reduction, all should act as a combined body, the strong in their combination protecting the weak.

My Lords, as Hansard will, in the course of Mr. Parnell's examination (I do not stop to read it now), disclose, he had, in his place in Parliament, publicly, when the Land Act of 1881 was under discussion, pointed out that the trouble, the disturbance, would come from the smaller and weaker class of tenants, and during the progress of that bill he, from his place in Parliament, offered that if the Government of the day would bring in an Arrears Bill dealing with the smaller class of tenants, below a given point in valuation, that his, Mr. Parnell's, influence, and all the influence which he could command, would be directed to urging and bringing pressure of opinion to bear upon the larger tenants and those better able to pay. Therefore, from the first, whether his policy was right or whether it was wrong, it was an openly declared policy, and one which undoubtedly, if effect had been given to it, would have saved a great deal of disaster and a great deal of trouble.

The arrears portion of Mr. Parnell's bill was adopted in the succeeding year. The bill was prepared in 1881, and it was adopted in the succeeding year. The portion of his bill which related to the leaseholders was not adopted until a later period, not till 1887, and then the government of parties had changed, and the party, now in power, passed the Leaseholders Bill of 1887, tardily, piecemeal, but still passed it; tardily, although the mischief to which it was directed was still going on, and when, as I have before said, other difficulties more important supervened. By delay the measure itself was deprived of a great deal of its efficacy.

"The Kilmainham Treaty."

My Lords, I pass from that matter, and I have little more to say upon the history of the land legislation. In the spring of 1882 about one thousand men were lying still in prison, in Kilmainham, under the circumstances that I have previously adverted to, with no definite charge against them, with no prospect of being brought to trial or face to face with their accusers. In this state of things there was a growing feeling, and it is not wonderful that it should have existed and grown, that this condition of things could not continue. The country was not becoming more peaceful, crime was not lessening, on the contrary, disturbances were greater, crime on the increase, and in the spring of that year it would appear that some of the Ministers of that day, notably Mr. Chamberlain, was in communication with Captain O'Shea, to whose evidence I have now to refer your Lordships. Then it was that those interviews, in relation to which Captain O'Shea has spoken, took place between him and Mr. Parnell, and as regards this part of the case, except on one or two points, which are not perhaps of the first moment, but still of some moment, there is little criticism to make upon Captain

O'Shea's account of the matter. Mr. Parnell said in effect: pass an Arrears Bill, drop the Coercion Act, which has not answered its purpose, do not trouble about the question of release of myself and my colleagues, that will come in time; the point is to go at the causes, as we believe them to be, of the disturbance of the country.

And in the result that course was adopted. Mr. Parnell undoubtedly conveyed to Captain O'Shea clearly and distinctly that he desired to meet all the executive of the League, including Mr. Davitt, including Sheridan, including Brennan, all the executive of the League, in order that he might explain to them and justify the course he had taken in relation to that which may be called a negotiation, and which afterwards was called "the Kilmainham treaty," and that he might bring them "into line" with his own course of action, and justify that course of action before the country and before his colleagues. Captain O'Shea is utterly mistaken in saying, according to my instructions, that any exception was made in the case of Brennan. Why such an exception should be suggested I know not, for I shall presently show your Lordships there is practically no evidence whatever against Brennan in the course of this case; but it is suggested by Captain O'Shea that Mr. Parnell stipulated for an exception in Brennan's case, and that he was not to be immediately released. In the same breath Captain O'Shea has distinctly, in terms, mentioned that the release of Mr. Parnell was not a matter to be put forward, that that would come in good time; the other men were the important parties to be considered.

I think I can give your Lordships an exact account of this by the mouth of Captain O'Shea himself. I have

no right at this moment to read this, except that the documents, if Captain O'Shea were recalled, as I reserved the right to recall him, would speak for themselves. I was going to refer to his own contemporaneous letter, and his own contemporaneous speech in Parliament. It is convenient that I should read them now, and if my friend desires that I should recall Captain O'Shea for the purpose of putting them to him, or for any other purpose, of course I would pursue that course. The first is his speech—the matter was brought before the House of Commons by the late Mr. Forster. I am reading the speech from Hansard, and I am only going to trouble your Lordships with a very short extract. He says this:

Hansard.  
O'Shea's  
Speech  
in the  
Commons.

“Their conversation” [that is to say, the conversation between him and Mr. Parnell], “indeed, was merely that of personal friends, and certainly not of political allies, which the House was aware they had never been held to exactly be. Although he made no remark at the time, he observed with surprise” [that is, Captain O'Shea, your Lordships will understand]—“he observed with surprise, there was a total absence in the honourable member of rancour or ill-feeling.” [The honourable member was Mr. Parnell. I need not again explain that.] “On the contrary, the honourable gentleman told him of the kindness and consideration he had received in Kilmainham, and asked him to bring forward another Irish grievance in Committee of Supply, and that was that prison officials in Ireland were very much worse paid than the prison officials in England. When he (Mr. O'Shea) expressed his opinion that the continued imprisonment of the suspects was exercising a most pernicious effect in Ireland, and his hope that the Government would make his release permanent, the honourable member replied—and he afterwards took a note of what the honourable gentleman had said—‘Never mind the suspects, we can well afford to see the Coercion Act out. If you have any influence, do not fritter it away upon us; use it to get the arrears practically adjusted. Impress on every one your own opinion as to the necessity of making the contribution from the State a gift and not a loan; and, further, the equal necessity of absolute compulsion. The great object of my life, added the

honourable member, is to settle the Land Question. Now that the Tories have adopted my view as to peasant proprietary, the extension of the Purchase Clauses is safe. You have always supported the leaseholders as strongly as myself; but the great object now is to stay evictions by the introduction of an Arrears Bill.' He (Mr. O'Shea) proceeded then to speak of the demoralisation of the country, of the no-rent manifesto, of Captain Moonlight, and of other intimidators. The honourable gentleman replied—'Let eviction cease, and terrorism will cease. The Moonlighters are sons of small tenants threatened with eviction, who believe the only escape for themselves and families, is by preventing their more solvent neighbours paying their rent.'"

That was followed by a letter which was published in the papers of the day of the 18th May 1882. The copy which appears to have been put in, in the evidence of Captain O'Shea, at page 415, is one addressed to *The Freeman*; my recollection is, it also appeared in the London papers, amongst others, in *The Times* :—

"SIR—Lest there should longer in the public mind be the slightest misconception as to my repudiation of Mr. Forster's public version of my private conversation, I beg that you will insert the following—"

Then this part of the letter is conversant with the interview which Captain O'Shea had with Mr. Forster and others, which is not germane to the point I am now upon. Then he proceeds :—

"Now as to the memorandum alleged by Mr. Forster to represent my conversation with him on the 30th of April. In it he informed the Cabinet that I had used the following words: 'The conspiracy which has been used to get up boycotting and outrages will now be used to put them down.'"

Then Captain O'Shea proceeds :—

"The following are the facts: I myself knew nothing about the organisation of the Land League. But I told Mr. Forster that I had been informed by Mr. Parnell the day before, that, if the arrears

O'Shea's  
Letter to  
the Free-  
man's  
Journal.

question was settled, the organisation would explain the boon to the people, and tell them they ought to assist the operation of the remedial measure in the tranquillisation of the country. I added that Mr. Parnell had expressed his belief that Messrs. Davitt, Egan, Sheridan, and Boyton would use all their exertions, if placed in a position to do so, to advance the pacification, and that Mr. Sheridan's influence was of sufficient importance in the west, owing to the fact that he had been the chief organiser of the Land League in Connaught before his arrest, while Mr. Boyton had held a similar appointment in the province of Leinster. On these points I heard no more, I know no more, and I said no more."

If there be, as I do not think there is, any material difference between the account which Captain O'Shea gave in the box and the account this contemporaneous statement proves, I need hardly point out to your Lordships that the latter would be more reliable; but I think in the box Captain O'Shea did make a statement substantially agreeing with what I have pointed out. It is a little remarkable. He is asked, in the course of his cross-examination I think, whether that letter is a correct statement of the facts, and he says that is correct, and your Lordships will observe there is no suggestion, in any part either of the speech or of the letter, of the exception of any particular person from the question of release; and upon that point, as I am instructed, Mr. Parnell will assure your Lordships that there was no such exception suggested by him, and that there was no reason that he was aware of for such exception.

I shall have, of course, at a later stage, both with regard to Boyton and Sheridan, to point out the broad statements made by the Attorney-General as to what they did and the part they played, and to show your Lordships how utterly insignificant is the evidence in support of the statements made against either one or the other of those gentlemen. The question whether

Sheridan was or was not mixed up with the Invincibles stands wholly apart and distinct. The Attorney-General was instructed to say, again quite inaccurately, that a true bill was found against Brennan, and a true bill found against him in connection with the Invincible Conspiracy.

The Attorney-General made a similar statement in relation to Mr. Patrick Egan, but of this there is not a tittle of evidence. Whether or not there was a question of the issue of a warrant against Egan under Mr. Forster's Act I do not know, but all I can say is that there is no proof of a warrant under that Act, even at the present moment. However, I do not desire to anticipate what I have to say upon that matter.

On the 2d of May Mr. Parnell and his colleagues were released from Kilmainham. On the 6th of May Mr. Davitt was released, and it is perfectly true that Mr. Parnell did desire straightway to see Mr. Davitt, and to explain to him the position of things, he having been for a considerable time imprisoned in Portland, and having no knowledge of what was going on outside.

Now, my Lords, what was the position of things? For, in spite of the way in which it has been sought, in the speech made by the Attorney-General in this case, and in the so-called particulars which have been delivered, to tone down the gravity of certain accusations, it will be plain to your Lordships that the writers of "Parnellism and Crime" intended to convey to the public mind that Mr. Parnell and Mr. Parnell's colleagues knew of, and were parties to, the Invincible conspiracy. What, then, was the state of things? My Lords, the state of things was this: that at that moment a signal triumph of the policy of Mr. Parnell had been achieved; the Government had agreed to make the

Arrears Bill, to which he attached great importance, a question of Government policy ; they had reversed the action and the policy of Mr. Forster and of Lord Cowper ; Mr. Forster had resigned, Lord Cowper had resigned ; and in their stead were sent Lord Spencer and Lord Frederick Cavendish—a man universally respected and universally esteemed, than whom no more amiable man probably in public life has been seen in our time, or who had fewer, if any, enemies. They went to Ireland, Lord Spencer and Lord Frederick Cavendish, bearing the olive branch in their hands—for the first time, I may almost say, since the Lord Lieutenancy of Lord Fitzwilliam. They were received with acclamation ; there was no hollow pretence in it. A change was recognised—a change pointing to better days, to a better understanding of the Irish question, to more weight being given to the policy of the leaders of Ireland. And then comes that awful tragedy on the very day of their arrival in Phoenix Park.

The  
Phoenix  
Park  
Murders.

My Lords, the most malignant enemy of the Irish people could not have struck a more malignant blow ; and it is indeed hard if public men are to have accusations levelled against them of complicity in so foul a story, and of subsequent condonation of so foul an act, and to be held up to public obloquy and opprobrium, when they raise their voice in condemnation of that dastardly deed, as hypocrites professing sentiments of abhorrence which are assumed for the occasion. Lord Frederick Cavendish's death undoubtedly was not even within the objects of those wretched men who had embarked upon this detestable enterprise. Lord Frederick Cavendish met his death because, with the true instincts of a brave man, he was fighting against the murderers, in defence of his friend and companion. What was the

effect upon Mr. Parnell, upon Mr. Dillon, upon Mr. Davitt, Mr. Justin M'Carthy, and others who at that time happened to be in London? We have had an account of that from Captain O'Shea. Were these men acting? Were they assuming a part? In the interview with the *Irish World* which has been read, Mr. Henry George described the condition in which he found these gentlemen. Captain O'Shea speaks of Mr. Parnell's broken health and broken-down appearance. You have the fact stated that, so horrified and dismayed did Mr. Parnell appear to be, yielding to a moment of despair, he offered to Mr. Gladstone to retire from public life. Was all this acting? Was this the grossest hypocrisy, or was it the conduct of men deeply impressed with the horror of what had occurred, anxious to show, in every way they could, their detestation of what had happened?

Their Manifesto has already been read. It is at page 170. The Attorney-General was instructed to say, in reference to this Manifesto, that Mr. Parnell signed it unwillingly. Where did he get that? Whence came the instructions for that statement? Who has alleged it? Captain O'Shea has denied it, and has said plainly and unmistakably that Mr. Parnell was a willing and assenting party to it. My Lord, this is the Manifesto:—

“TO THE PEOPLE OF IRELAND—On the eve of what seemed a Manifesto. bright future for our country, that evil destiny which has apparently pursued us for centuries has struck another blow at our hopes, which cannot be exaggerated in its disastrous consequences. In this hour of sorrowful gloom we venture to give an expression of our profoundest sympathy with the people of Ireland in the calamity that has befallen our cause, through a horrible deed, and to those who had determined at the last hour that a policy of conciliation should supplant that of terrorism and national distrust. We earnestly hope that the attitude and action of the whole Irish

people will show the world that assassination such as has startled us almost to the abandonment of hope for our country's future, is deeply and religiously abhorrent to their every feeling and instinct.

"We appeal to you to show by every manner of expression that amidst the universal feeling of horror which this assassination has excited, no people feels so intense a detestation of its atrocity, or so deep a sympathy for those whose hearts must be seared by it, as the nation upon whose prospects and reviving hopes it may entail consequences more ruinous than have fallen to the lot of unhappy Ireland during the present generation. We feel that no act has ever been perpetrated in our country during the exciting struggles for social and political rights of the past fifty years that has so stained the name of hospitable Ireland as this cowardly and unprovoked assassination of a friendly stranger, and that until the murderers of Lord Frederick Cavendish and Mr. Burke are brought to justice that stain will sully our country's name.

"(Signed)      CHARLES S. PARNELL.  
                  JOHN DILLON.  
                  MICHAEL DAVITT."

My Lords, the Attorney-General, after reading this, said :—

"It will be proved by Captain O'Shea that Mr. Parnell objected to sign that document and only signed it under the necessities of the case, and objected to its terms."

My Lords, Captain O'Shea has disproved that allegation.

Davitt's  
Letter to  
The  
Standard.

At the same time, or about the same time, there appeared in *The Standard* a letter from Mr. Davitt, the whole of which I do not propose to read to your Lordships, but a passage from it I desire to read. It appeared in *The Standard* of the 10th May 1882, and I take leave here to make a passing acknowledgment, and I think it is due, to the general tone with which the Press of England received the account of the horrible event, and to the general attitude that the British public maintained in regard to it, with few exceptions. *The Times*, I am sorry to say, was one of the exceptions.

With hardly an exception, the part of the Press that had been found the most hostile to the Irish leaders, joined in relieving them from any complicity or part in this matter. The attitude of the general public under circumstances of great excitement, which might have led to demonstrations of a fierce kind against the Irish people, was calm and dignified. The English people seemed to have under the circumstances exercised over themselves entire control, and the Press of the country did nothing to raise aggravated feeling.

On the 10th of May Mr. Davitt wrote to *The Standard* a letter, and he began by acknowledging the temper in which they had referred to the occurrence.

“SIR—The admirable temper that has marked your language since the horrible occurrence of Saturday last convinces me that any reply I may make to the questions you address to me in your leader of this morning will receive a fair hearing. Believing this, I would feel that I was neglecting a duty to myself and an opportunity of vindicating, to the best of my ability, the Land Movement in Ireland, if I permitted your remarks of to-day to pass unanswered. For the opinion you express of the sincerity of my condemnation of the murders that have excited your just indignation, and for your belief that neither Mr. Parnell, Mr. Dillon, nor myself would be guilty of an alliance with assassins I am thankful, as it is in marked contrast with the expressions of some of your contemporaries.”

Then he speaks of his having just come from prison, not knowing what has taken place meanwhile, and he was, as most of the public are, unaware of the various denunciations of crime that had taken place.

“I came out of Portland prison at three o’clock on Saturday afternoon last. I had been confined in solitude for fifteen months, without having from the hour of my reception to that of my release seen a newspaper or even received a communication that did not pass through the hands of the governor. Yet in face of these facts, which cannot be unknown to those who understand the rigorous

Davitt’s  
Letter  
to *The  
Standard*.

Davitt's  
Letter  
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Standard.

discipline of a convict prison, you ask me to come forward and make a clean breast of information that would throw light upon the atrocity of last Saturday. You must have overlooked the situation in which I had been placed from the 3d February 1881 to the afternoon of the day of Lord Cavendish's murder, when you implied that I, in common with Messrs. Parnell and Dillon, must possess information that would enable the assassins to be tracked. I am assured by those gentlemen—though no such assurance is needed by any one who knows them—that they have no such information. They could not therefore lend any more assistance in bringing the assassins to justice than that given in the manifesto issued in our names and placarded throughout the length and breadth of Ireland, so that our people should see that we placed the murderers of Lord Cavendish in their true position, as assassins of the people's cause, who had forfeited all claim to shelter or sympathy, and whose capture alone could remove the stain which their crime has left upon the character of Ireland.

“ You next call upon my friends and myself to employ our recovered liberty to give the world solid and unanswerable guarantees of the loathing with which we regard all forms of outrage, by making a fresh pilgrimage through the country, and to never desist from denouncing assassination until these hideous crimes are exorcised from the land. I agree with you, sir, that such a pilgrimage ought to be made even now. Had it been made before, it is my firm belief that the terrible tragedy of the Phoenix Park, and many another tragedy, which, though it has not attracted so much attention, has wrung heartstrings as bitterly, would never have occurred. Why have there not been such pilgrimages? Let the facts answer, so far, at least, as I am concerned. From the first initiation of the Land League I warned the Irish people against outrages as the greatest danger of the moment.

“ When I went to America in May 1880, wherever I spoke from New York to San Francisco, I did my best to lay the demon of revenge which bitter memories of eviction evoke in the hearts of exiled millions. On the day of my arrival in Ireland from my last lecturing tour in America in November 1880, in an interview published in all the Irish newspapers, I denounced violence and outrage in the strongest terms I could command. On the following day I did the same thing from the platform, and pushing on the very pilgrimage you now propose to me, I spoke in the same way

in all the four provinces of Ireland. In addition to this, I issued instructions of similar tenor to the organisers of the Land League, and I drew up, printed, and distributed circulars pointing out to the people the inevitable consequences of revenge being allowed to supplant the moral forces which alone could win their social rights, and in the name of the Land League called upon its branches throughout the country to deal with the outrage frenzy as the one paramount danger which threatens the existence of the movement with destruction, the hopes of our peasantry with annihilation, and the character of our people with the stigma of assassination."

Davitt's  
Letter  
to *The  
Standard*.

Then he proceeds :—

"These are the facts. In verification I appeal to the reports of the Irish Press, of the American Press, and of the Government shorthand writers. There is another fact. Ere I had completed the seventieth day of my pilgrimage I was arrested, and since then until three o'clock last Saturday afternoon, a period of fifteen months, I have been buried in Portland Prison.

"Now, sir, I have answered your questions; let me put a question to you. Supposing that I, or any one else, were to start on the pilgrimage you propose, and that after we had gone so far, news were to come to you that we had been beaten into silence with the bludgeon, or stricken down with the bullet, or cut to pieces by the knives of assassins, what would you say? Would you not say that we had been silenced by those who wished outrages to continue? What then will you say of the no less effective manner in which I was silenced? Was it not also that outrages might continue? Was it not in furtherance of an atrocious policy that murder and outrage should follow in the wake of the Land League that Irish landlordism might be represented to the British people as battling, not with justifiable reform, but with social savagery? Does this seem to you too wicked a policy to be credited? Look at the facts. Is it not the policy that has been carried out by Mr. Forster? I speak of myself only as an example. Is it not true that my arrest was followed by the arrest in every locality of the men who were the safest and surest leaders of the popular movement, the men who most steadfastly and strongly set their faces against outrage? Is it not a fact that when they were arrested, conservative and prudent men were driven into silence by fear of arrest, and the guidance of an excited people, smarting

Davitt's  
Letter  
to *The  
Standard*.

under the most cruel provocations, was left to the secret councils of irresponsible passion? I am not charging Mr. Forster with being a monster. Personally he is, I doubt not, an estimable gentleman; but weaknesses, which in private life are unobserved, become so magnified when he who is subject to them is made the absolute ruler of a nation that they have the effect of crimes. Mr. Forster found in Ireland a traditional policy of government. He followed it; or perhaps, to speak more correctly, it controlled him. What are the facts of Irish history? Are they not that over and over again seditious conspiracies have been allowed to grow, nay, even have been stimulated, in order that a certain stage of criminality should be reached by those whose actions and plans were known to the police, so that the blow should be struck at their movements with greater *éclat*, and the chastisement given be all the more effective from the numbers involved in the revolutionary design? If such a policy has not been pursued in connection with the present social movement, I have been deceived into believing that my reconsignment to penal servitude was in consequence of having endeavoured to thwart such a policy at the time when it began, in my opinion, to show itself to all who are conversant with Castle tactics in Ireland, and who know the desperate position in which Irish landlordism would be placed if English opinion could not be turned from the consideration of land reform and focussed upon outrages. I was either sent back to penal servitude in pursuance of such a policy, or I was not. Mr. Forster, who, I suppose, ordered my arrest, can explain why I was struck down without any explanation given to me, or any chance afforded to defend myself against whatever charge had determined my arrest. Three weeks previous to that event Mr. Forster declared in the House of Commons, in answer to a question put to him by Lord Randolph Churchill, that I had been guilty of no act in connection with my ticket-of-leave that would justify the Government in cancelling that document. During those three weeks I was engaged almost every day in denouncing outrage throughout Ireland, in calling attention to undetected crime in a country having a police force of over twelve thousand, and in endeavours to expose what I fully believed to be numbers of manufactured outrages. If I was not arrested for this work, for what was I arrested? If upon secret information of ulterior designs, why not charge me with these and crush the founder of the Land League at a blow, by

showing the priests and constitutionalists in Ireland that they relied upon a man who was leading them on to revolution instead of to a peaceful settlement of the Land Question? I challenge Mr. Forster, or whoever is responsible for my arrest, to come forward now and declare upon what grounds I was deprived of liberty during the past fifteen months, or allow Dublin Castle to be under the imputation of having removed me from its path, because of my stand against the policy of conniving at murder and outrage. I am constrained to make this demand now from a conscientious belief that had I been permitted to continue my crusade against outrage, to have levelled all the influence of the Land League against the commission of murder and the mutilation of cattle, I could have prevented numbers of crimes that now stain the name of Ireland, and have averted the horrible deed of Saturday last. This is no vain boast. I refer Mr. Forster to my speech at Kilbrin, County Cork, a fortnight previous to my arrest, in which I predicted the accumulation of crime that would result from his policy, and held him answerable before God for the consequences that would inevitably follow from police terrorism and coercion."

Then, my Lords, in the final passage he says:—

"I am a convicted Fenian. Very well, I am. It is true that I was convicted on a false charge sworn to by a salaried perjurer, whom I had never seen ere he confronted me in the dock at Newgate, but I do not wish to plead that."

Mr. Davitt does not wish that to be misunderstood. He does not mean that he was not rightly charged with being a Fenian, but he does mean to represent that one of the persons—I think the man was Corydon, who was one of the witnesses—gave false testimony in that particular matter.

"I would only ask any fair-minded Englishman to read a few chapters of Irish history, to put himself in imagination in the place of the son of an evicted Irish peasant, and to answer whether it is any stigma to an Irishman that he has been a Fenian! The people of Ireland do not think so. Nothing so shows the false relations into which the two countries have been brought by misunderstanding and misrule as that a man may be a criminal on one side of

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the Irish Sea and a patriot on the other. And if it be said, as many an unthinking Englishman would say, that a Fenian is a man who wishes to burn, to blow up, to murder, I will not reply even to that, though I know it to be untrue. I will only ask if it be just to hold that the man of mature years must be held to the opinions of his youth. And this, at least, let me say for myself ; if in the hot blood of early manhood, smarting under the cruelties and indignities perpetrated on my country, I saw in an appeal to force the only means of succouring her, there has dawned upon my graver thoughts in the bitter solitude of a felon's cell a nobler vision—a dream of the enfranchisement and fraternisation of peoples, of the conquering of hate by justice.

“I have suffered by their power, and, as I believe, by their ignorance and prejudice, but there is in my heart to-day no sentiment of bitterness towards the English people. The gospel of the land for the people is a universal gospel, and in its triumph is involved the social regeneration of England as clearly and as fully as the social regeneration of Ireland. In the heart of whoever receives it rare bitterness and ancient hatred die away ; possibly this may not be understood by you. But one word at least let me say. If you would find a *modus vivendi* between the English and Irish people it is easy ; treat us as equals, treat us as men.

“Willingly will I go to Ireland to do whatever I can to further the peaceful doctrines I have always advocated ; but I am confident that nothing I could do or say in Ireland would strike as effectually at the fell purpose of revenge as the feeling of horror which has been sent like an electric shock through every home of Ireland by the slaughter of an innocent and inoffensive Englishman, under circumstances that have lent to the black deed every possible attribute of atrocity. Yet, further than this, there is a word I would say. How can I or any one else protest with effect against outrages, when the most brutal and irritating outrages are being committed in the name of the law, when tender ladies are sent to prison as persons of evil fame, when huts that charity has erected to shelter the unfortunate are torn down, little boys are ruthlessly shot down by the constabulary, and men of the highest character are still held in gaol on suspicion ?—I am, sir, your obedient servant,

“MICHAEL DAVITT.

“London, 10th May.”

Your Lordship will find, as I have pointed out, that Mr. Davitt was under the impression, and he writes under the impression, that there had not been any denunciation of outrage ; he seems to think, if a pilgrimage had been undertaken to Ireland, that the fearful crime in Phœnix Park never would have been perpetrated. As I have said, he was unaware of what I have already indicated to your Lordships had taken place, which you will hear in fuller detail when the witnesses are called.

Now, my Lords, I call attention to this in passing, and I shall make it clearer later, that the sole foundation upon which the suggestion is made, of knowledge of, participation in, or condonation of the atrocity of the Phœnix Park murders, are the forged letters, and your Lordships will find them running through the whole of the more serious allegations which constitute "Parnellism and Crime." I will only say one passing word ; I have to consider apart and separately the story of the Invincible conspiracy in connection with those letters. I would only remind your Lordships at this moment of the facts : taking the account of the witnesses called—by no means admitting it in fact—the earliest appearance of anything like the Invincible conspiracy is first in October 1881. No one suggests the idea existing anywhere of that infernal society earlier than October 1881. I say no one suggested it *earlier*. There is a statement, as my friend Mr. Reid quite properly reminds me, that it was referred to a *later* date, but the earliest suggestion was then, and that was by one witness only, Delaney. Taking the statement of the witnesses—I know not whether the fact is so or not—the person who apparently first sets the thing on foot is Captain McCafferty, the American, who is referred to by the same Delaney, in company with one Tynan—I think,

The Forged Letters.

called No. 1—and lastly, according to the evidence given, the greatest number—and I am happy to say the number was so small—the greatest number suggested as having had anything to do with that conspiracy, directly or indirectly, was the number of 30 persons, and I shall presently call your Lordships' attention to the fact that the majority of those—I believe I am right in saying the majority of those—have been brought to justice, and have been punished, and some of them expiated their crime—I think five of them—on the scaffold.

Arrears  
Act, Aug.  
1882.

The Arrears Act was passed in August 1882. I need not trouble your Lordships with its details. In its effect it provided that, if the rent due in 1881 were paid, and if there were antecedent arrears which the tenant was unable to pay, those antecedent arrears might be by the order of the court wiped out by the payment of half the antecedent arrears not exceeding one full year's rent—a boon to the tenants, a much greater boon to the landlords, and certainly a matter of great moment to the peace of the country. The question of arrears in Ireland is something quite different from the same question in this country and I would wish your Lordships to understand this matter. Arrears may go on in Ireland accumulating for years and years; if allowance is made by the landlord—I am speaking now of the great run of cases—instead of there being, as is the course here, the wiping out of a half-year's rent, if 50 per cent is allowed, or the third of a year's rent, if 30 per cent is allowed, it simply means that time is given, and the landlord accepts the lower amount, and the arrears go on rolling, so that the statement of three or four years' arrears may represent the accumulation of a very much longer period. However, I do not desire to go in detail into that matter.

My Lords, the result of that Arrears Act was exactly in accordance with Mr. Parnell's anticipations in its effects upon the country, and here again I will ask to be allowed to show that by reference to figures. Now these figures I have already referred to before your Lordships in another connection. They deal with the whole of the murders over the whole of Ireland, not merely with those of which evidence has been given with the circumstances in the course of this case. That is a limited number. The figures show that, taking the two years 1880 and 1881, the average of the murders was  $12\frac{1}{2}$ ; in 1882 alone, 26; and the average from 1883 to 1887, 4. These figures, which seem to us to be very important, are compiled from the statistics put in. As to firing at the person, the average of the two years, 1880 and 1881, was  $45\frac{1}{2}$  cases. Total in 1882, 58 cases. Average of the five years from 1883 to 1887, 12.6. Incendiary cases, average of 1880 and 1881, 283. Total in 1882, 281; and average for the five years 1883 to 1887, 110. Cattle outrages, average 1880 and 1881, 128; total in 1882, 144. Average of the five years 1883 to 1887, 61. Threatening letters, average of the years 1880 and 1881, 1764; total in 1882, 2009; average of the five years 1883 to 1887, 389.8. Firing into dwellings, average of the two years 1880 and 1881, 105; in 1882, 117; in the five years 1883 to 1887, 29.6. So that taking the whole number of offences which have been selected by the Attorney-General quite correctly as the most serious—murders, firing at the person, incendiary cases, cattle outrages, threatening letters, and firing into dwellings—these are the total figures. Average for the two years 1880 and 1881, total 2338; total in 1882, 2635; average of the five years 1883 to 1887, 607. My Lords, the place from which these figures are

taken and grouped in this order your Lordships will find in Arthur Charsley's evidence, at page 1951. It is to be remembered that the average for 1880-81 is greatly brought up by the crime in the last three months of 1881, when the League had been suppressed and agrarian crime was very great, as shown by the table at page 246.

AGRARIAN CRIME FOR WHOLE OF IRELAND.

*In the following, the periods are taken thus:—*

1880-81, *Land League* in force.

1882, *Land League* suppressed.

1883-87, *National League* in force.

	Two years, 1880-81. <i>Average for Two Years.</i>	Total in 1882 alone.	1883-1887. <i>Average for Five Years.</i>
Murders. . . .	12½	26	4
Firing at Person . .	45½	58	12·6
Incendiary and Arson . .	283	281	110
Cattle Outrages . .	128	144	61
Threatening Letters. .	1764	2009	389·8
Firing into Dwellings . .	105	117	29·6
Totals . .	2338	2635	607

I am also reminded, and properly reminded, that the result would be still more striking if there was an omission of the years 1886 and 1887, and my learned friend is quite right in calling my attention to that fact, because your Lordships will find, still supporting the argument I have been all along advancing, that with recurrent pressure of distress comes rerudescence of crime, there was happening in 1886, 1887, and 1888 a fresh cause of disturbance not attributed by anybody to the Land League or to the National League, felt universally in

Ireland, namely, the abnormal fall in agricultural values which practically began to be marked in 1886 and 1887 and continued to 1888, which, in the opinion of all parties in the State, in the opinion of all classes in the community, required further intervention on the part of the Legislature.

Indeed it would be correct to say that, even including the whole of the years up to 1880, but certainly true in a marked way to say excluding 1887 and 1888, that, from the year 1883, crime of all kinds was really abnormally low in Ireland, including agrarian crime.

XII.

THE NATIONAL LEAGUE

Now, my Lords, in October 1882 the National League was founded, and I have explained to your Lordships before why, in relation to the National League, we are able to put before you with full information and with full detail the proceedings of that body, the proceedings of its central executive, and the action which it took. It was founded at a meeting which was convened by a circular of the 18th September 1882, signed by Mr. Parnell, Mr. Davitt, Mr. Dillon, Mr. Thomas Brennan, Mr. Thomas Sexton, Mr. T. M. Healy, Mr. Arthur O'Connor.

“Imperial Hotel, Lower Sackville Street,  
“Dublin, 18th September 1882.

“DEAR SIR—You are hereby invited to attend a Conference of Representative Men held in the Ancient Concert Rooms, Dublin, on Tuesday, 17th October next, for the purpose of discussing a programme of reform for Ireland, which will be submitted for adoption by us, the chief feature of which programme will be the uniting together on one central platform the various movements and interests that are now appealing to the country for separate sanction and support.

“An early reply, stating whether you can be present at such Conference, will oblige.—Yours very truly,

“C. S. PARNELL.

THOMAS SEXTON.

MICHAEL DAVITT.

T. M. HEALY.

JOHN DILLON.

A. O'CONNOR.

THOMAS BRENNAN.

“Address replies to Mr. Parnell at above.”

Your Lordships will have observed that I have passed in the narrative, because I wish to keep it distinct, the point at which the evidence of Le Caron comes in, and the interview in London. I intend to follow that out in connection with the American branch of the case, and to give that to your Lordships as a distinct matter.

In answer to that circular a meeting was held on the 17th October, and I think I am right again in saying as to the foundation of this National League, as I have already said in relation to the foundation of the Land League, that your Lordships have had put before you by the counsel of the accused for the first time the documents which show what the professed objects, the professed means, of each of those organisations was.

“THE PROGRAMME OF THE NATIONAL CONFERENCE,  
17TH OCTOBER 1882

“Resolved—That an association be formed to attain for the Irish people the following objects:—

“1st. National Self-Government.

“2d. Land Law Reform.

“3d. Local Self-Government.

“4th. Extension of the Parliamentary and Municipal Franchises.

“5th. The development and encouragement of the Labour and Industrial Interests of Ireland.

“That this Association be called ‘The Irish National League.’

“That the objects of the League be defined as follows:—”

Your Lordships will recollect that the Land Movement was addressed entirely in its ostensible objects to the question of the land, and the urgency which then existed. I do not wish for one instant to convey to your Lordships the idea that there were not present to the minds of those who took part in it also the national aim of

obtaining for the Irish people self-government. The pressing object and the pressing necessity of the case was the reform of the land law.

#### “ARTICLE 1

“The restitution to the Irish people of the right to manage their own affairs in a parliament elected by the people of Ireland.

#### “ARTICLE 2

“(a.) The creation of an occupying ownership or Peasant Proprietary by an amendment of the Purchase Clauses of the Land Act of 1881, so as to secure the advance by the State of the whole of the purchase money, and the extension of the period of repayment over sixty-three years.”

(Both of those points, I think, have been adopted ; at all events the main point.)

“(b.) The transfer by compulsory purchase to county boards of land not cultivated by the owners, and not in the occupation of tenants, for re-sale or re-letting to labourers and small farmers, in plots or grazing commonages.

“(c.) The protection from the imposition of rent on improvements made by the tenant or his predecessors in title, to be effected by an amendment of the Healy clause of the Land Act of 1881.

“(d.) The admission of leaseholders and other excluded classes to all the benefits of the Land Act, with the further amendments thereof included in the Land Law (Ireland) Act Amendment Bill of Mr. Redmond.

#### “ARTICLE 3

“(a.) The creation of county boards, and the transfer thereto of the fiscal and administrative powers of grand juries.

“(b.) The abolition of the principle of nomination by Government to membership of the following boards :—

“The Local Government Board.

“The Board of Works.

“The General Valuation and Boundary Survey.

“The Board of National Education.

“The Reformatory and Industrial Schools Board.

“The Prisons Board.

“The Fishery Board.

“And the transfer of their powers to representatives elected by county boards.

“(c.) The transfer to county boards of the management of union workhouses, lunatic asylums, and other institutions supported by local rates.

“(d.) The substitution of local for imperial control in the appointment and management of the police.

“(e.) The extension to county boards of the power to nominate county sheriffs, as at present exercised by municipalities in the case of city sheriffs.

“(f.) The vesting in county boards of the right of nominating magistrates now enjoyed by Lord Lieutenants of counties.

“(g.) The abolition of the office of Lord Lieutenant of Ireland.

#### “ARTICLE 4

“(a.) The extension and assimilation of the Irish Parliamentary and municipal franchises to those of England.

“(b.) The adoption of the English system in the registration of voters.

“(c.) The securing that any measure of popular enfranchisement introduced for Great Britain shall also be extended to Ireland.

#### “ARTICLE 5

“Separate legislation to elevate the condition of agricultural labourers to secure :—

“(a.) The providing of labourers’ dwellings, with half-acre allotments in the proportion of one to every £25 valuation in the case of all holdings, pastoral or agricultural.

“(b.) The abolition of payment of poor rate in respect of labourers’ dwellings.

“(c.) The repeal of the quarter-acre clause so as to entitle labourers to outdoor relief during illness. Co-operation in the movement for fostering Irish industries by the appointment, in connection with each branch of the organisation, of an Industrial Committee, on which manufacturers, shopkeepers, artisans, and farmers shall have proportional representation, and the functions of which shall be :—

- “(a.) To encourage the use and sale of Irish products.
- “(b.) To co-operate with the National Exhibition Company in securing the genuineness of articles offered for sale as Irish manufacture, and in the organisation of local exhibitions from time to time.
- “(c.) To obtain scientific reports of the industrial capacities of their various districts, and stimulate the establishment of local manufacturing and cottage industries.

#### “RULES

“The Irish National League shall consist of Branches and Central Council.

“The Council shall consist of thirty members, twenty to be elected by County Conventions and ten by the Irish Parliamentary party. The branches in each county shall send delegates to an annual County Convention ; and each delegate shall cast his vote for the candidate nominated to the Central Council in manner provided by the rules. Members of Parliament shall be ineligible for election to the Council by a County Convention.

“The Branches to be organised, rules framed, and the method of nomination and election to the Council settled by an Organising Committee.

“The Organising Committee shall consist of five members of the Mansion-House Committee for the Relief of Evicted Tenants, five members of the Executive of the Labour and Industrial Union, five members of the Council of the Home Rule League, and fifteen other gentlemen.

“The Organising Committee shall have all the powers of a Central Council until the Council is elected, and no longer.

#### “THE IRISH NATIONAL LEAGUE

##### “RULES FOR BRANCHES

###### I.

“Branches may be formed in parishes in the country, and in wards in the cities and towns ; and there shall not be more than one branch in any parish or ward, unless with the sanction of the Central Council.

## II.

“ Each branch shall be governed by a committee, which shall be elected annually, and shall consist of a president, treasurer, secretary, and six other members.

## III.

“ The annual subscription shall be at the rate of 1s. for every £5 valuation, and in no case shall it be less than 1s. or more than £1.

## IV.

“ The Treasurer of each branch shall forward 75 per cent of all subscriptions received, and the secretary shall forward a monthly report of the condition of his branch, and such other information as the Central Council may desire.

## V.

“ The branches shall elect delegates to an annual county convention as follows:—

“ Branches of one hundred members or under, one delegate, and one for every additional hundred members, but no branch shall be entitled to send more than five delegates.

## VI.

“ Credential cards for the delegates to county conventions shall be forwarded to each branch by the Central Council.

## VII.

“ All elections shall be by ballot.”

Your Lordships will have observed that the circular proposed uniting on one central platform the various movements that were then appealing to the country for separate sanction and support. Those are pointed at in the rules as being the Mansion-House Committee for the Relief of Evicted Tenants; the Labour and Industrial Union, and the Home Rule League, a body which was the continuation of the Home Rule movement started about 1870 by Mr. Isaac Butt, as I told your Lordships.

I ought to have mentioned, lest it should be supposed I have omitted it, that at the same time that the Arrears Act was passed another of the Coercion Acts, as they are called, was passed, and I desire to mention it because an attempt was made by the Attorney-General to account for the improved condition of matters in relation to crime by reference, not to the operation of the Land Act of 1881, plus the operation of the Arrears Act, but to the operation of that Crimes Act, or Coercion Act. In answer to that I will only say in passing that the experience under the previously existing Act, which continued in operation through 1881 and part of 1882, certainly does not support, but goes far to negative, the suggestion advanced by the Attorney-General.

My Lords, at the same time the following address was presented to the Irish people, signed by Mr. Parnell, as chairman, by Mr. Biggar and Mr. Molony, as treasurers, by Mr. Healy and Mr. T. Harrington, as secretaries ; the organising committee being Mr. Dawson, who was afterwards Lord Mayor of Dublin ; Mr. Sullivan, who was also Lord Mayor ; Mr. John Redmond, Mr. E. Leamy, Mr. Sexton, Mr. Davitt, Mr. O'Brien, Mr. Matthew Harris, Mr. Justice Little (a Canadian judge who had retired but was living in Ireland), Mr. A. Shackleton, Mr. George Delaney, Mr. Thomas Mayne, Mr. Clancy, Mr. Hishon, Mr. Sheehy, Mr. Louis Smith, Mr. William Abraham, Mr. John O'Connor, Mr. J. Cardiff, and Mr. Richard Lawlor. The address is this :—

#### “ADDRESS OF THE IRISH NATIONAL LEAGUE TO THE PEOPLE OF IRELAND

“FELLOW-COUNTRYMEN—As the organising committee entrusted by the National conference with the preliminary arrangements for the organising of the Irish National League, we have the honour of

submitting to you the accompanying rules for the formation and guidance of branches. It is desirable that no time should be wasted in putting the resolutions of the conference in force. The necessity of close organisation, for the purpose of concentrating and giving a definite direction to the National energies, is universally felt. It has been forced upon public attention by the encroachments upon popular rights, which have been going on in all directions since the power of union among the people was relaxed. The landlord combination for the purpose of breaking the spirit of the Irish tenant, the dismay which the present scale of judicial rents has created amongst applicants to the Land Courts, and the confiscation of tenants' property that is being effected wherever disorganisation has crept in, render it more necessary now than ever that the Irish tenantry should be re-united in vigilant and lawful association, for the purpose of protecting themselves from injustice, and for seeking that full measure of land law reform which alone can secure them against the perils of halting legislation. From the farming classes the desire for organised effort has extended to the labourers, whose miserable condition has been so long disregarded, and to the artisans, who see in the spirit worked by a great National combination a power which can nourish our decaying native industries with millions of money now annually drained away into foreign markets.

“With all these incentives to organisation, the Irish National League unites a programme of social and political reform which will gradually transfer all local power and patronage from privileged strangers into the hands of the people, and so fortify them for the work of National Self-Government, which is the inspiration of all our struggles. The National conference has, with the most hearty unanimity, embodied these principles in the programme of the Irish National League. It remains for you now, in your various districts, to give immediate and practical effect to these resolutions, so that from the formation of local branches, the League may be able to proceed to the election for the Central Council, and may be able to offer to every section of the Irish people the power and protection which organisation and discipline alone can ensure.

“CHARLES S. PARNELL, *Chairman.*

“JOSEPH G. BIGGAR, } *Treasurers.*      T. M. HEALY, } *Hon. Secs.*  
W. F. MOLONY,      }                              T. HARRINGTON, }

*“Organising Committee*

“C. DAWSON,	MATT. HARRIS,	DAVID SHEEHY,
T. D. SULLIVAN,	JUDGE LITTLE,	LOUIS SMITH,
J. E. REDMOND,	A. SHACKLETON,	W. ABRAHAM,
E. LEAMY,	GEORGE DELANEY,	JOHN O'CONNOR,
T. SEXTON,	THOMAS MAYNE,	J. CARDIFF,
MICHAEL DAVITT,	J. J. CLANCY,	R. LAWLOR.
WILLIAM O'BRIEN, D. J. HISHON,		

*“Offices, 39 Upper Sackville Street.”*

As your Lordships will see, the formation of that body was of a strictly representative kind. It held periodical conventions, conventions which for very many years were illegal and against the law in Ireland, in fact until within recent years, when the Conventions Act was repealed.

### XIII.

#### GENERAL ELECTION, 1885

My Lords, I pass over an intervening period and I come to a most important event, I mean the election of 1885. There had been meanwhile passed in 1885 a bill which applied to England as well as to Ireland, and which for the first time enfranchised, in any full measure, the Irish people. This event is important in many ways, because up to 1885 a party or ministers, however anxious to be just or generous in their consideration of Ireland and of the measures which its condition required, had no certain representative voice of the Irish people to guide them. The Irish people had a majority, but not much more than a majority. How was that? This is a fact which I know the great bulk of the people in this country are ignorant of, and I should not be surprised if it came upon your Lordships as a new statement; but even previous to the Act of 1885 there had been a remarkable disproportion of the electors in Ireland to the population as compared either with Scotland or with England. I will tell your Lordships what the results were. The result in the previous state of things was this: that, taking boroughs and counties together, two men out of five in England had votes previous to 1885, while only one in five in Ireland had a vote for Parliamentary purposes, and the state of the

English and Irish Franchise.

municipal franchise was even in stronger and more marked contrast than that relating to the Parliamentary franchise. I will illustrate this by giving your Lordships one or two cases, counties and boroughs. The eastern division of Staffordshire, population 138,824; electors 11,275. County of Dublin, population 145,628; electors 4982. So that with a larger population in Dublin the number of electors previous to 1885 was about a third of those in the constituency of a nearly corresponding size. So, Northumberland, South Division, compared with Limerick county; Lancashire, North-eastern Division, compared with the county of Mayo; Yorkshire, North Riding, compared with the county of Down. So that taking those four counties respectively in England and in Ireland, the figures stand thus: population of the four English counties 728,881; electors previous to 1885, 53,421; total of the four Irish counties, population 754,042; electors 26,402. So that with a larger population in those four Irish counties there are 26,402 voters, as against 53,421 in the four English counties with a somewhat smaller population. In the case of the boroughs also it is remarkable. Sheffield with a population of 284,410, electors 43,350; Dublin with a population of 273,282, electors 13,880, less than a third, between a third and a fourth. So, Blackburn as compared with Cork; Chatham as compared with Limerick; Newcastle-on-Tyne as compared with Belfast; Aylesbury as compared with Londonderry; Berwick-on-Tweed as compared with Kilkenny; Brecon as compared with New Ross. The results of those seven boroughs in England as compared with the seven boroughs in Ireland are these: total population 626,579, electorate in England 95,150; in Ireland, the population 685,680; electorate 44,311. Therefore there is, as your Lordships

see, a marked discrepancy ; and further, there were in operation certain other causes, namely, a difference in the registration laws, which, undoubtedly, prevented a larger number getting on the register in Ireland, who otherwise would have got on. This was the difference of qualification. In England, in English boroughs, all rated householders are entitled to vote, and it has been held that a separate room, held separately, was a separate house within the Act of 1867, which did not apply to Ireland. In Irish boroughs, houses rated by Government valuation at over £4 equal to a rental of £8 in Ireland, and £12 in England, and occupiers of lodgings worth 4s. unfurnished per week, or over, were entitled to vote. Those are the two statements as regards the boroughs. In the English and Irish counties, the occupier's franchise is nominally the same, that is to say, a £12 Government valuation ; but from the different mode of valuing the English as compared with the Irish counties, the English counties have more than  $1\frac{1}{2}$  times as many voters in proportion to the population as the Irish counties. All I desire to establish by this—I am not arguing beyond this about it—is, that taking the question of populations in the two countries, and taking the franchises in the two countries, the proportion of the electors for the English boroughs and English counties was much greater to the total population than in Ireland, either in boroughs or in counties. That was set right by the Act of 1885 which came into operation at the election which took place in that year.

I have given one reason why this is an important event. It is an important event for another reason. The case presented before your Lordships is this ; that Ireland was groaning under a remorseless tyranny, first, the tyranny of the Land League, next, the tyranny of

Franchise  
in Ireland.

the National League ; that it was not true to say that either of those movements had behind it the sanction and goodwill of the Irish people ; that it was, in fact, a minority, using illegal means of intimidation, and of influence, terrorising over a majority ; in other words, it was not national, but it was a narrow, selfish, sectional movement, instituted and controlled by a band of men with more or less self-seeking motives, and no objects for the public good.

The  
Elections.

My Lords, I think the results that I am now going to call your Lordships' attention to are the most marvellous that the political history of any country can afford ; for until this election of 1885 there seem to have been others who entertained the opinion which the Attorney-General upon that matter was instructed to put forward. I have here a list of counties and of boroughs, numbering fifty or more—I have not worked out the exact figures—in which the majorities go as high as 6474, and the lowest majority is 2385.

But, my Lords, the majorities are not the force and strength and point of this ; it is the miserable minorities. I must trouble your Lordships with reading some of these. Carlow county—majority, 4050 ; the vote on one side, the popular side, being 4801, and the vote on the minority being 751.

I do not know whether your Lordships know the county of Carlow. It is a well-to-do county ; it has a number of resident landlords in it and gentry well-to-do ; and when you recollect, not merely that Mr. Parnell's policy had drawn down upon it the condemnation of all the landlord class, and all the dependants of the landlord class, and of the class which represents the actual officials of the executive power in Ireland, it does seem amazing, unless this was indeed truly

a movement which had behind it a popular force, without any parallel that I know of, that they were only able, as against 4801 votes, to get 751.

Cavan, West—majority, 4646. Vote on the popular side, 6425; 1779 minority.

My Lords, I will read the popular vote first, the minority vote next, and the majority next. I will not trouble your Lordships with repeating myself, but will just give the names and figures:—

County.	Popular Vote.	Minority.	Majority.
East Clare . . . . .	6224	289	5936
West Clare . . . . .	6763	289	6474
East Cork . . . . .	4314	266	4048
Mid Cork . . . . .	5033	106	4927

These, my Lords, are all contested elections.

County.	Popular Vote.	Minority.	Majority.
North Cork . . . . .	4982	102	4880
South Cork . . . . .	4823	195	4628
South-East Cork . . . . .	4620	661	3959
West Cork . . . . .	3920	373	3547

My Lords, I will not read, but I will ask leave to put in, as part of the documents, the other figures in a number of other counties which show the same thing. I have not made up the number. There are counties and some boroughs also, but they exceed, speaking off-hand, 50. I will have the exact number made out, and I believe I am right in saying that the lowest majority in this enormous number of constituencies is 2385.

Constituencies.	Nationalist Vote.	Orange Vote.	Nationalist Majority.
Carlow County . . . .	4801	751	4050
Cavan, West . . . .	6425	1779	4646
Clare, East . . . .	6224	289	5935
Clare, West . . . .	6763	289	6474
Cork, East . . . .	4314	266	4048
,, Mid . . . .	5033	106	4927
,, North . . . .	4982	102	4880
,, South . . . .	4823	195	4628
,, South-East . . . .	4620	661	3959
,, West . . . .	3920	373	3547
,, City (undivided) . . . .	{ 6682 6497	{ 1456 1392	{ 5226 5105
Donegal, North . . . .	4597	962	3635
,, South . . . .	5055	1369	3686
Dublin County, North . . . .	7560	1425	6135
Dublin City, Col. Green . . . .	6548	1518	5030
,, Harbour Division . . . .	6717	1628	5089
,, St. Patrick's . . . .	5330	1162	4168
Galway, East, County . . . .	4886	353	4513
,, City . . . .	1335	164	1171
Kerry, West . . . .	2607	262	2345
,, South . . . .	2742	133	2609
,, East . . . .	3169	30	3139
Kildare, North . . . .	3169	467	2701
Kilkenny, North . . . .	4084	174	3910
,, South . . . .	4088	222	3166
King's County, Tullamore . . . .	3700	323	3377
,, Birr . . . .	3408	760	2648
Leitrim, North . . . .	4686	541	4145
,, South . . . .	4775	489	4286
Limerick, City . . . .	3098	635	2463
Longford, North . . . .	2592	163	2422
,, South . . . .	3046	321	2725
Mayo, West . . . .	4790	131	4659
,, South . . . .	4900	75	4825
Monaghan, South . . . .	4375	963	3412
Queen's County, Leix . . . .	3740	507	3233
,, Ossory . . . .	3959	293	3666
Roscommon, North . . . .	6102	366	5736
,, South . . . .	6033	338	5695
Sligo, North . . . .	5216	772	4444
,, South . . . .	5150	541	4609
Tipperary, North . . . .	4789	252	4537

Constituencies.	Nationalist Vote.	Orange Vote.	Nationalist Majority.
Tipperary, Mid . . . .	3805	255	3550
, South . . . .	3572	122	3450
, East . . . .	4064	196	3868
Waterford, West County . . . .	3746	359	3387
, East County . . . .	3291	314	2977
, City . . . .	2308	250	2058
Westmeath, North . . . .	3648	255	3393
, South . . . .	3618	200	3418
Wexford, North . . . .	6531	817	5714
Wicklow, West . . . .	3721	871	2850
, East . . . .	3385	1000	2385

Then follows a second class, where the majorities were not so large. But in all the majorities in those cases, including several Ulster counties—Donegal, Fermanagh North and South, Londonderry South, Monaghan North, Mid Tyrone, East Tyrone, and South Tyrone—the majority ranges from 1943 to 551, with one exception, and that is in South Tyrone, where the contest was very close, and the majority was 52.

Constituencies.	Nationalist Vote.	Orange Vote.	Nationalist Majority.
Donegal, East . . . .	4089	2992	1097
Dublin County, South . . . .	5114	3736	1378
Dublin City, Stephen's Green . . . .	5277	3334	1943
Fermanagh, North . . . .	3255	2822	433
, South . . . .	3574	2181	1393
Londonderry, South . . . .	4723	4158	565
Monaghan, North . . . .	4055	2685	1370
Tyrone, Mid . . . .	4299	2657	1642
, East . . . .	3919	3368	551
, South . . . .	3434	3382	52

I have given your Lordships these, which are the uncontested elections. There are, besides these, a number <sup>uncontested</sup> <sub>Elections.</sub> of uncontested elections.

Now, my Lords, what is to be said about this? There is an Act which relates to Ireland as well as to this country, by which if there have been in operation intimidation, violence, bribery, a popular election can be questioned and set at nought if the case is established. I am not sure whether my observation applies to this 1885 election or to the 1886 one, but to whichever it applies, for my purpose, it matters not. There were two petitions out of the whole of the elections. One of them a petition against Mr. Sexton, in Belfast, which was decided in his favour; the other at the instance of a popular member, Mr. Justin M'Carthy, in the city of Londonderry, decided in his favour. There is not the least ground for suggesting, and it cannot be suggested, that these elections were anything else than the free unbiassed opinion of the Irish people, exercising, as the constitution intended they should exercise, their right to the franchise by selecting men, not to please English opinion or the opinion of the House of Commons, or of any section or class of the community, but to exercise the franchise on the true constitutional principle of selecting men to represent *them*, and this they did freely, and with the force to which I have called your Lordships' attention. I do say that this affords a clue to the change which was coming over the minds of thoughtful men and statesmen; a clue to the attitude which Lord Carnarvon, as I have already told your Lordships, assumed; a clue to that broader scheme which has been called the policy of conciliation, which a greater man still inaugurated, and sought to make successful. And I do say, with great deference to each of your Lordships, that it would be a thousand times better if popular opinion in Ireland or in any other country, represented with the force and volume shown

in these elections, a thousand times better, if that voice was to be disregarded, that the power of representation should be taken away altogether, and that Ireland, or any other country similarly situated and similarly treated, should be governed as a Crown colony, and without a constitution at all. That is the thing, that is the fact, that is the point upon which the whole Irish controversy turns. As Bentham, in his *Theory of Legislation*, in effect says: “If associations spring up in a country powerful enough to intimidate its government with all its executive forces at its back, and with all its influence, and too powerful to be put down—if and when a great majority of the nation is seen on one side and its government on another—it is a pretty clear indication that the general discontent of that country is well founded.”

XIV.

COWPER COMMISSION

I HAVE said there was trouble brewing from the operation of causes grievously felt in this country, grievously felt in Ireland, and causes at least which no one has attributed to the action of the Land League or National League. Those remarkable causes arose from the almost unprecedented fall of agricultural values to which I have already referred.

Fall in  
Prices.

My Lords, again the Irish members foresaw the difficulty that was coming, and again in the autumn of 1886, Mr. Parnell introduced a bill for the purpose of meeting and coping with the inevitable coming crisis. That bill did not succeed. History was repeating itself, as it was constantly repeating itself in this matter. His policy, rejected in 1886, was taken up, and adopted reluctantly, by the Government in 1887—again tardily, again incompletely, but taken up. But before that was done, one of the innumerable Commissions that have inquired into the ills of Ireland was started. This time it was a commission known by the name of the Cowper Commission, because of the name of the noble Lord which was at its head. On that Commission there was a representative of the Irish farmers—the only Commission of which, I think, the same can be said. He was Mr. Thomas Knipe, a Presbyterian farmer from Ulster; and

Cowper  
Commission,  
1886.

the other members of the Commission were Lord Cowper; Lord Milltown, an Irish landlord; Sir James Caird; Mr. Neligan, a county court judge in Ireland, and also a landlord. The majority passed a report blaming the action of the National League, reflecting on the action of the National League, but insisting upon the necessity of dealing with the abnormal fall that had taken place; and they arrived at the conclusion that rents fixed in 1881, 1883, 1884, and 1885 were not rents which honest tenants could be asked to pay, or could reasonably be expected to pay, in the events which happened. The Act was passed in 1887—that automatic principle, if I may so call it, that self-acting principle which Mr. Parnell sought to have introduced into the Act of 1881, in order that there might be instant relief felt all over the country, was in a modified form introduced into that Act, the Act of the present Government in 1887.

My Lords, in that Commission, Lord Milltown, who was the principal Irish landlord upon it, disagrees with the majority in the report, and during the examination of the witnesses plays the part of cross-examiner—I am not of course blaming him for that—with a view to defending his class, and with a view, I think occasionally a little unfairly, to fixing odium on the Land League.

The report of Mr. Knipe consists of two parts. <sup>Report of</sup> <sub>Mr. Knipe.</sub> First, he wrote a note when the preliminary report of the commissioners was directed to be published, in which he, on the 15th February 1887, arrives at the conclusion that he could not concur in the report, and he adds this important sentence:—

“Upon the question of combination, however, my views differ so widely from the opinions of many of the commissioners that I am compelled to dissent; especially as assent on my part to certain

paragraphs might create the impression that I am in favour of any fresh coercive legislation. I know the feelings of the class I represent, and believe that combinations derive their force mainly from the exactions of excessive rents which the land does not produce. For these reasons I have come to the conclusion to embody my own views in an independent report."

And this is his report. I do not propose to trouble your Lordships with the whole of it. The part I do desire to read is the part headed "Coercive Legislation and Combination." He says:—

"I think that any attempt to meet agrarian crime and outrage, which unfortunately prevail in certain districts, by any fresh coercive legislation will now, as in the past, not only fail to secure the tranquillity of the country, but will inevitably end in seriously aggravating the present difficulties. If the relations which now unhappily exist between landlord and tenant are further strained, the intentions of the Land Purchase Act will be defeated and sales of land to tenants even at lower price will be rendered more difficult in many parts of Ireland. The landlords, with a few honourable exceptions, have failed to meet by prompt reduction of rent the serious fall in prices, or to recognise the serious losses of their tenants, and to this may be attributed combinations and the resistance to evictions which has taken place, and which might have been averted. If the power of the League is to be weakened and the people kept away from combinations which are certain to spread beyond their present limited area, and thereby endanger further the peace of the country, it can only be by the Government boldly facing, as a whole, the Land Question in Ireland, and by such legislation and government as will convince the poorest of the people that the law is their defender and friend."

I ought to explain to your Lordships that, when Mr. Knipe alludes to combinations which are certain to spread beyond their present limited area, he does not refer to the National League. He refers—I think it better to explain this for another reason—to a proceeding, not resorted to by the National League, though undoubtedly certain members of the National League

were prominent in instituting it, which was known by the name of the Plan of Campaign, but which my learned friends, after considering the matter, I presume, amongst them, and in view of assurances given in Parliament when this very Act, under which your Lordships are sitting, was under discussion, have not gone into, and I, of course, do not propose to do so.

He then goes on to make a reference to the evidence of Sir Redvers Buller, and I shall read to your Lordships his evidence in a moment. He was a witness who could certainly have told your Lordships a great deal about the county where crime has perhaps on the whole been the worst, or at least where there have been a larger number of crimes, I mean the county of Kerry. Mr. Knipe goes on to say :—

“I venture to say it would be a serious matter, with grievances unredressed, to attempt to suppress by force or fresh coercive legislation the right of tenants openly to associate for the protection of their interests; a class to whose property the State up to 1881 refused any real legal protection.”

Now, my Lords, this volume (“Cowper Commission”) contains much useful matter. I propose to read to your Lordships, and to read it from the beginning to the end, the evidence of Sir Redvers Buller.

Sir Redvers Buller's Evidence.

(The President) I doubt whether this is admissible, Sir Charles. You see these various documents from which you are reading are not admissible as statements of fact for this purpose, if it were necessary to call witnesses, but of course I am not for a moment limiting your general right to refer to documents of this kind. I do not think it can be taken that the whole bulk of the evidence of the witnesses given before that Commission can be treated as evidence here.

(Sir C. Russell) I at once defer, of course, to your

Lordship's view. There was one point which your Lordship has been good enough to recollect, and I think it was a common arrangement at which we arrived, that all official documents were practically to be treated as put in ; and we certainly upon that basis, and upon that understanding, have allowed a number of documents to be put in—nay, a number of statements to be made—which in a strict sense would not be admissible in evidence at all. And we conceived we were acting within the principle of that understanding by referring to the documents which I have mentioned, but I can at once see there is a distinction. I quite recognise what your Lordship means, that there is a difference between the evidence of a witness and a report of a body like the commissioners. I quite see that there is, and I will at once, therefore, defer to your Lordship's view.

(The President) You, I am sure, must have observed that I have not checked you at all in the various passages you have read, and if there is anything of a striking character which you wish to call our attention to, not in the nature of a statement of fact, but something you might embody in your speech, to which you seek to give additional force by stating, we should not object.

(Sir C. Russell) The way I proposed to use it was rather this—and having once presented it to the mind of the Court I at once defer to whatever view is taken. We, representing the accused here, asked a number of witnesses as to whether they attributed such and such things to the League, and notably, in some cases, to which I shall have to call detailed attention, they were allowed to give statements, second and third and fourth hand sometimes, as to the ground of these conclusions and opinions. I was going to use this evidence of Sir Redvers Buller for the purpose of showing what view an honest man in

his position and with his independence of judgment would take of the state of things which existed in the county of Kerry at this very time in relation to which your Lordships are inquiring. He was, my Lords, besides, Irish Under-Secretary at the very time he was giving this evidence before the Commission, or he was appointed very soon after, because he gives his evidence at the end of 1886, and in March 1887 Mr. Knipe refers to his evidence as that of the Under-Secretary when asked before the Commissioners certain questions.

I do not, however, desire to press this at all; but I shall be justified in reading the passage from the evidence which the Commissioner embodied in his report:—

“The Under-Secretary when asked before the Commission—  
Q. 16,473. ‘Would it meet your idea, if when an ejectment was brought into the court, the judge of that court would have the discretion of saying whether he would evict or not?’ replied, ‘Yes, that is what I want. It seems to me that it should be his duty to exercise a certain degree of discretion, but he only exercises it when the tenant comes into court. Unfortunately, the tenants have been taught that the law is only on one side.’ Again, Q. 16,474-5. ‘I see some very hard cases. Hard cases of men being pressed for rents that they could not pay. I wrote to a landlord the other day who was about to turn out a man. That man paid a year’s rent, and he owed three—he was evicted, and that man, I believe, really meant to pay the amount. He was evicted. I satisfied myself that if he got time he was going to pay his rent when his children, who were in service in Limerick, sent their wages to him.’ And Q. 16,476. ‘I think that there should be a discretion in giving *decrees*, and that there should be some means of modifying and redressing the grievances of rents being still higher than the people can pay. You have got a very ignorant, poor people, and the law should look after them, instead of which it has only looked after the rich; that appears to me to be the case on coming here.’ Also Q. 16,468. ‘I feel very strongly that in this part of the country you can never have peace unless you create some legal *equipoise* or legal equivalent that will supply the want of freedom of contract

Sir Redvers  
Buller’s  
Evidence.

that now exists between the landlord and the tenant. I think there should be some legal machinery which should give the tenant an equivalent for the pressure that the landlord is able to put on him owing to his love of the land.' "

My Lords, he finally uses this extraordinary language in his evidence.

He is asked at Q. 16,493 :—

" 'Is there any general sympathy with the action of the League on the part of the people ?' (A.) 'Yes, I think so ; they pay to it. I think there is sympathy, because they think that it has been their salvation.' Q. 216,494. 'It has been their salvation ?'—'The bulk of the tenants in this west part of Ireland tell me of rents that have been reduced, and evictions that have been stayed, which are directly due to the operations of the League. They believe that, whatever truth there may be in it, nobody did anything for the tenants until the League was established, and when the landlords could not let their farms, then they were forced to consider the question of rent. There are in this district of Killarney 1680 acres of derelict farms on which the grass has grown up and rotted this year, and 950 acres of farms from which the tenants having been evicted have been allowed to remain in as caretakers.' Q. 216,495. 'They have been kept derelict, but you do not think that desirable ?'—'No, most undesirable. It is an enormous loss to the country, but it is because it does not pay to turn a tenant out, the tenant is not turned out.' Q. 216,496. 'The result is that it is no longer possible to enforce legal obligations ?'—'Yes.' Q. 216,497. 'Well, that hardly looks as if the law was all for the rich.'—'The law—there is not much law in this part of the country, but a short time ago what law there was, was really on the side of the rich.' "

My Lords, I shall adopt this statement as my own, and, I hope, support it by evidence which will recommend it to your Lordships' mind. I only regret I have not been able to read the whole of the evidence. I have said fairly to your Lordships that he points to the action of intimidation, not to the League, although he uses the word League, but—as the date shows, and there are certain matters which earmark it—to the Plan of Campaign.

I come now, I am glad to say, to the end of this narrative, as far as Land Legislation is concerned, and I shall make no further reference to it. Following that report, there was carried out—very imperfectly carried out—still carried out in a way to afford some relief to the tenants, the Bill which Mr. Parnell prepared in the previous session, 1886. That was done by the Government of the day in 1887.

Land  
Reform,  
1881-87,  
due to the  
Irish  
Leaders.

## XV.

### REDUCTIONS IN THE LAND COURT

My Lords, I do not recede from what I have said, that beginning with 1881, and ending with 1887, real, substantial progress has been made in the protection of the Irish tenant class, a protection that, if it had been afforded them, ay, at the date of the Devon Commission in 1843-45, would, I have not the slightest doubt, have changed the whole face of the country. There would have remained unquestionably the strictly political questions. They would have been modified—I mean their treatment would have been modified, and the mode in which they were pressed upon public attention would have been modified, and the whole tone and temper of the people would have been different from that which developed itself, owing to the neglect of land legislation up to 1880.

My Lords, Mr. Parnell and Mr. Parnell's colleagues do not claim and have not claimed the whole credit for this change. They gladly recognise the growing intelligence and information upon this Irish question in the public mind of England as well as of Scotland; they gladly recognise the help they have received from at least one party, and from members of another party. They gladly recognise, most of all, the efforts that have been made by one, to whom I need not further allude,

without whom the legislation of 1881 would have been impossible, in view of the hostile opposition springing from class interests and prejudice. But am I not justified in saying that it is due to the Irish leaders, to the Irish people, that they have awakened the conscience of England in this matter; that they have arrested the attention of England in this matter; that they have informed the mind of England on this matter? And, my Lords, for their beneficial work in that regard practically, they are arraigned before your Lordships to-day. I do not claim for them, in all their acts, in all their speeches, conspicuous wisdom. It may be that they have said foolish things; they may not have done the wisest thing at the right moment; but I say, in the broad outline of their action and of their policy, they have vindicated themselves before the world and before any intelligent tribunal which addresses its mind to the consideration of their position and of their conduct.

Before I leave this matter I should like to present to your Lordships, in a concrete form, a specimen or two of what this all means. What would a reduction in the Land Court mean with the Irish people? And, first of all, let me tell your Lordships, working out carefully the figures in each year, what the percentage of reductions has been. The average reduction for—

- 1881-82 is 20·5 per cent.
- 1882-83 is 19·6 per cent.
- 1883-84 is 18·9 per cent.
- 1884-85 is 18·2 per cent.
- 1885-86 is 24 per cent.
- 1886-87 is 31·1 per cent.

Thus the average reductions over the years 1881 to 1885 inclusive is 19·4 per cent, and over the years 1886-87, 31·3 per cent. Taking the figures from the

same volume, I should like to present to your Lordships some more cases of reductions in the case of landlords, known as "good" landlords, as contrasted with some known by a different description. These cases are selected indiscriminately from the volumes published by the Land Commission, and when I speak of a "good" landlord I wish your Lordships to understand that a good landlord, according to the Irish acceptation of the word, does not mean merely a landlord who is considerate in the matter of rent, but means a landlord who takes some interest in the condition of his people, and who shows some sympathy with them. And I am glad to give as an instance of a "good" landlord a member of the present Parliament, sitting on the same side of the House on which the Attorney-General sits; I mean

Mr. A. H. Smith Barry, the member of Parliament, and I will give your Lordships some figures taken indiscriminately from his cases.

Old Rent.	Judicial Rent.
£ s. d.	£ s. d.
10 4 10	Reduced to . . . 8 10 0
32 0 0	," . . . 25 0 6
123 15 8	," . . . 100 0 0
60 0 0	," . . . 46 0 0
40 0 0	," . . . 27 0 0
19 2 10	," . . . 12 0 0
47 6 6	," . . . 37 0 0
15 15 0	," . . . 12 0 0
46 11 0	," . . . 36 0 0

These, my Lords, are what the Land Court decided to be the reductions in 1881 and 1882, and your Lordships see, even in the case of a man who comparatively is described as a good landlord, how serious those reductions are.

There is another of the same class, Mr. George E. Mr. G. E. Browne, formerly M.P. for the county of Mayo, and these also are 1881-82:—

Old Rent.			Judicial Rent.		
£	s.	d.	£	s.	d.
7	0	0	Reduced to	.	.
6	16	0	"	.	.
7	5	0	"	.	.
33	0	0	"	.	.
8	16	0	"	.	.
4	8	0	"	.	.
14	0	0	"	.	.
13	10	0	"	.	.

and so on. I do not think that I should desire to trouble your Lordships with the full details of the figures.

Another case is the Marquis of Londonderry. This Marquis also is in 1881 to 1882. He is considered a good land-<sup>of London-</sup><sub>derry.</sub> lord.

Old Rent.			Judicial Rent.		
£	s.	d.	£	s.	d.
35	14	6	Reduced to	.	.
64	16	0	"	.	.
11	14	0	"	.	.
44	5	6	"	.	.
21	14	0	"	.	.
38	4	0	"	.	.
17	12	6	"	.	.
22	1	0	"	.	.
32	3	6	"	.	.
35	10	0	"	.	.
39	18	6	"	.	.
18	15	6	"	.	.
60	18	6	"	.	.
13	8	0	"	.	.

Lord Fitz-  
william.

Another man, who, I believe, is entitled to the name of being a good landlord, comparatively speaking, is Lord Fitzwilliam.

Old Rent.	Judicial Rent.
£ s. d.	£ s. d.
24 0 0	Reduced to . . .
19 0 0	," . . . 14 0 0
15 0 0	," . . . 10 17 0
25 10 0	," . . . 19 0 0
22 0 0	," . . . 17 0 0

Mr.  
William  
Robb.

And here is one instance of an Ulster landlord ; the rents are small. It is the estate of Mr. William Robb.

Old Rent.	Judicial Rent.
£ s. d.	£ s. d.
5 1 0	Reduced to . . .
4 10 0	," . . . 2 15 0
6 15 0	," . . . 2 15 0
7 0 0	," . . . 2 15 0
6 0 0	," . . . 2 0 0
6 10 0	," . . . 3 0 0
26 18 0	," . . . 15 0 0
11 2 6	," . . . 7 5 0
3 10 0	," . . . 1 10 0
7 0 0	," . . . 2 10 0

Now, my Lords, I have also got other figures here, but I do not desire to give the names, and I do not even desire to go into them, but as compared with these I am told, and I believe correctly told, Mr. Browne, Mr. Smith Barry, Lord Londonderry, Lord Fitzwilliam, are good, fair specimens, and even better than fair specimens, of landlords, and are regarded in Ireland as on the whole considerate, and not bad landlords. Your Lordships will

understand I am prepared to do so, but I do not desire to mention the names. I have them here if your Lordships wish for them, but you may understand that when I have selected men of the position of those whom I have mentioned—Mr. Smith Barry, at present a member for his county ; Mr. Browne, ex-member for his county of Mayo; Lord Londonderry; and Lord Fitzwilliam—with the results I have shown, your Lordships will judge for yourselves what an array of figures one may pick and choose if one were to take the worst cases that might be presented for the consideration of the court.

And, my Lords, what does this story of reductions mean, whether you are to take the lesser cases I have presented, or the much stronger cases which, if I were to select them, I could present ? It means that these men, having no real independence and freedom of contract, had over weary years, God knows how far back, and their fathers before them, been trying to pay rents, rents going up in proportion as they improved their holdings, but rents which the land was not making, and which were not leaving them any fair return for their expenditure and labour and such small capital as they possessed. And I ask any honest man, can he deny the truth of this ; that they had not any expectation of relief, until they banded themselves in combination for mutual protection, the strong and the weak together, and until, under the guidance and inspiration of their leaders, whom they trusted, they arrested public attention and fixed it upon what was a grievous scandal and a crying injustice.

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## XVI.

### THE FORGED LETTERS

The Forged AND now, my Lords, I come to the consideration of Letters. the question of the letters. My Lords, I ask this question. Has there ever been revealed in a court of justice a tale of such serious calumny, put forward with such recklessness, I might almost say criminal negligence, as this story of the forged letters? I cannot recall one. Not only has it been put forward, but, in the face of public denial, persisted in—rancorously persisted in—and even when fully exposed, absolutely discredited and collapsed, even then there is not that generous disclaimer, that absolute and complete withdrawal, which, as an act of common justice and common charity, ought to have proceeded from those who had launched these infamous accusations. I do not wish the application of my words to be in any sense misunderstood. I have to say, and have said, many hard things of *The Times*. I am not going to suggest that they believed that these were forged when they put them forward, but I am going to suggest that they put them forward utterly careless, utterly reckless, and omitting to take any of those precautions which in so serious a matter it would have been their first duty to take. Nor do I wish to be misunderstood in the application of my language as to the withdrawal of those letters. The Attorney-

General has stated (and of course I accept his statement) that he went to the very verge of his duty in the language which he used, carefully written out, upon the occasion of that withdrawal. I am willing to believe that if he had had a free hand in the matter he would have spoken more generously and more freely, and that it was only the strict line of duty, which was laid down for him by those who instructed him, that caused that cramped, that narrow, that grudging withdrawal, and the terms in which the withdrawal was conveyed.

My Lords, I wish to make in this connection one <sup>Parnell's</sup> <sub>Inaction.</sub> observation which I conceive to be of great moment. Many people—ay, people of honest minds—have been inclined to believe in the genuineness of these letters, because of the action, or perhaps more correctly it may be called the inaction of Mr. Parnell himself in regard to them. My Lords, those who think that, may think it, not unnaturally, if they do not know Mr. Parnell. From the first he has cared and busied himself very little about the question of proving and establishing before your Lordships the falsity and forgery of these letters. He felt no doubt about establishing their forgery. What he has cared for, what he cares for now, is the unmasking of what he believes to be the foul plot and conspiracy which led to their manufacture, and if it be within your Lordships' functions to aid him he will invoke that aid before this inquiry is closed ; and if it be not within your Lordships' functions to aid him, he will pursue that inquiry perseveringly and relentlessly until he exposes it.

But, my Lords, if there be men who have founded an opinion or a suspicion in relation to the genuineness of these letters, because of the course Mr. Parnell pursued, let me point out to your Lordships how thoroughly events have justified the course he pursued. He is

a man of great self-control, impassive, self-contained. What would have happened if he had, upon the publication of these letters, gone into a court of justice and charged as a libel the publication of these forgeries ? Why, that which happened in the case of O'Donnell *v.* Walter, which is recorded in the Blue Book before your Lordships. He would have gone into the box ; he would have given his testimony to the forgeries ; he would have supported his evidence by the evidence of such experts as he could call. He would be cross-examined, ably, properly cross-examined. He would be asked how it came that instead of challenging the whole field and area of these libels, he had restricted it to the question of the forgeries ; and his answer that he so restricted it because that brought up for decision a narrow and definite issue, and kept that narrow and definite issue free from the complication arising over discussion of popular political movements, would not have been accepted by those who put the questions, or probably by the jury who heard it, as wholly satisfactory ; and then when his case was closed the turn of the Attorney-General would have come, and he would have used in that case the language which he did use in O'Donnell *v.* Walter, and which is in the volume before your Lordships. At page 91 the Attorney-General was instructed to say :—

“ You will find that that ” (referring to one of these letters) “ and other documents were in their ” (that is, *The Times*) “ possession for a considerable time, for many months, while most careful investigation was being made as to whether or not they were genuine documents, and you will be told the means which they took to investigate them, the comparisons they were able to make, and which you will be able to make. The question is, is that particular document (and that is not by any means the only document) a genuine document or not ? I mean, was it signed by Charles Stewart Parnell, or was it not ? It is utterly immaterial where it

came from. Now the statement made by Mr. Ruegg was this: 'I shall want to know what proof they have in the face of the positive denial upon oath of the person to whom the letter is attributed that he wrote that letter.' Of course, gentlemen, we shall wait and see what that denial is. 'We shall want to know where they got it, and you will want to know from whom they got it, that you may test its value.' Gentlemen" (says the Attorney-General, addressing the jury), "you do not want to know from whom they got it, or for what purpose they got it. Why do they want to know it? Who are behind Mr. Ruegg in this matter? The men who were undoubtedly connected with the Land League organisation, the men who had been undoubtedly connected with the worst form, it may be, of the organisation, by which I mean the American section—the Link Battalion as it has been called—the American branch—the Invincibles, who were capable, on my learned friend's own admission, of the monstrous and iniquitous crimes that were perpetrated in the autumn of 1881."

Then he goes on:—

"Many of those men are still in existence. Those who are behind my friend know well that the days of danger from dynamite and assassination are not over, and, cost what it may to *The Times*, although they will put before you the proof of the grounds upon which they believed them to be genuine, they will not expose one of the several persons from whom those documents were obtained to a risk, which they know to be a real risk, that many hours would not elapse from the time of their names being given and returning to their vocations before they would be in actual and positive danger to their lives. Gentlemen, you will not care who the people are. You will test the documents—we invite you to do so by every means in your power which are open to you, and open to every one who has to decide the issue whether the documents are genuine, and if you are satisfied that the documents are genuine you will not care from whom they come, or what was the hand that put it in the power of *The Times* to disclose them. They ought to care, and I believe you will care for what the fate of those men would be if, the documents being genuine, they have disclosed them, and I say here *The Times* are fully aware of the responsibility they take. They will put before you such evidence as they can, and all the evidence they can to prove the letters to be genuine, but they will not, whatever

may be the effect upon your judgment, disclose for one single instant, or by the slightest hint, the name of the person from whom they got them, because it is not material, and it is in no sense necessary in order that you should come to a judgment in determining whether these documents are genuine. The question is, are they genuine ? who wrote them, and who signed them ? and not whether they were obtained from this man or that man, or by what means they were put into the custody of *The Times*."

And then, my Lords, at page 97 he refers to the same matter. Referring to the letter, he says :—

“It is an incident, and an incident only, in this case, but of course a most important one. Let me say this to you, and I repeat it to you, that though it cost *The Times* this verdict, *The Times* will not state by whom——”

and I ask your attention to these words—

“whether confederate or not of Charles Stewart Parnell—that letter was handed over to them, and it is not right, knowing what has happened in the last few years—ay, within the last few months—that any such request should be made.”

Was the Attorney-General instructed—I am sure he would not have made it without instructions—was it suggested to him that these letters had been handed over by a confederate of Mr. Parnell ? If he was so instructed, upon what authority ? Who so instructed him ?

My Lords, the case would then have gone to the jury, after the expert evidence had been given. Mr. Parnell would not have got to that point in this inquiry, which he is determined if he can to get to, the story that lies, as he believes, behind Houston and behind Houston. He does not believe that Houston, a quondam reporter—a respectable occupation, and I am not saying it by way of contumely of him—Houston, a quondam reporter on Dublin newspapers, afterwards promoted to the office of secretary of the Loyal and Patriotic Union—he does not believe that Mr. Houston adventured on this

enterprise, involving, as it turns out, the expenditure of thousands of pounds, in his own character of a private person. He does not believe that Professor Maguire, who unhappily cannot now be called, was in a position to advance, or did advance of his own money, a sum of nearly a thousand pounds. He does believe that these gentlemen, one and all, were members of that association, and, if his information is right, members of the finance committee of that association, and that it was from that body, representing the landed interests of Ireland, a class which, because of the conduct and the policy of Mr. Parnell, has been arrayed in active hostility against him in his public life—ay, and has been backing up *The Times* in this inquiry—it is because of that that he declines to believe the story put forward by Mr. Houston, which he desires and intends to sift here or elsewhere, or both, to the bottom.

My Lords, let me follow out this story. In the autumn of 1885 Mr. Houston goes to visit Richard Pigott. Mr. Houston is himself an Irishman, or the son of an Irishman—an Irish prison official in Ireland, as I am informed. He had lived his life, so far as we know it, in Dublin. He had been conversant with political matters in Dublin, because his occupation had been, as I have said, as reporter upon several papers. He must have known the story of Richard Pigott, for the whole world of Ireland knew it. Your Lordships may not be aware of the fact that at the very time that the forged letter, known as the facsimile letter, appeared, there also appeared in a London newspaper, the paper called *Truth*, the statement, that it was suspected either that this letter was not one written by Mr. Parnell, but to which his name had been got for some other purpose, or it was suspected and believed that it was a forgery pro-

ceeding from Richard Pigott—that, my Lords, at the very time the publication appeared—known to all the world, known, of course, to the proprietors of *The Times*, known, of course, to those who instructed my learned friends.

Pigott.

Well, my Lords, Houston approaches Pigott. I do not want to say more of that wretched man than is unavoidable. I am sure I do not know upon whom the greater burthen of moral guilt rests in this matter. It is to be said of this wretched man that at all events he cannot be accused of bringing voluntarily his spurious wares into the market. It is at least true to say for him that in his wretched penury, with children dependent upon him, at a time that he was begging for small sums of relief, at a time that he was complaining of the pressure of distress so great that his very goods were to be seized for the payment of his rent, it is at that time that the tempter comes to him; and to this man, in whom at all events there survived the strong instincts of fatherly affection with some four children depending upon him, and no honest means of earning a livelihood, then comes the tempter, holding out to him a prospect of indefinite employment upon terms of one pound a day while he was working, and one guinea, I think it was, a day for his expenses. Then a little time passes. He has been asked, if he can get hold of any documents to incriminate any of the leaders? He says he will try. He goes, or pretends to go, pleasantly journeying backwards and forwards at the expense of the Loyal and Patriotic Union (or Mr. Houston), and after a little time he comes with his first batch. But meanwhile Mr. Houston pays a visit to *The Times*, and makes an offer to Lord Hartington, and is suggested to have made overtures to the *Pall Mall Gazette*. I do not stop to inquire into these. They are not the main thread of my story. But

The First  
Batch.  
Lord Hart-  
ington.

The Pall  
Mall  
Gazette.

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what is the course, when they come to closer quarters, and when these payments have to be made, which Houston pursues? I do not desire, moved as I am (as I confess I am) to indignation at his conduct, to put it higher than the bare facts justify. Houston deliberately pursues a course of conduct in relation to this infamous story such as would have been pursued (I will say no more than that) by a man that knew he was lending himself to a deliberate manufacture of deliberate forgeries; for how else and on what rational ground can you explain that in his payments to Pigott he pursues every device and contrivance to render it impossible to trace the fact that he has paid the money? How comes it that he destroys every vestige, according to his account, of correspondence with Pigott? But when does he destroy it? Not during the production and manufacture of these letters, but when your Lordships' court is sitting, after the inquiry has begun, and when he knows that your Lordships would take no denial when the question of the genuineness of these letters came to be considered, when he knows that he will be called upon to produce the whole of that correspondence. Nay, more, he takes that course of conduct which I say is just the course of conduct that a man knowing he was engaged in an infamous fraud would have followed. He destroys those documents after he has had the subpoena from the solicitor, Mr. Lewis, who instructs me, and after that subpoena had required him as by an order from the court to produce the documents or any documents which would throw light upon the subject of this inquiry.

I do not know whether Mr. Houston is master or man in the Loyal Patriotic Union. I do not know whether they can afford, whether they dare afford, to send him about his business; but I say, in the face of

his own confession in this court of the course he has pursued in relation to this matter, he is unworthy of the confidence of any respectable body of men or of any respectable individual. What is the next step? That was in July 1886. Houston brought to *The Times*, on the principle of "sale or return," in the last week of November or the beginning of December 1886, the first batch of forged letters; and what is paid for them? The story is a remarkable and interesting story in relation to the first batch. According to one statement,

*What they cost The Times.* the statement of Mr. Macdonald, a sum of £1780 altogether has been paid. The cheques put in by Mr. Soames—for he was the medium of the payment to Houston—are £1000 on the 4th of May 1887; £200 on the 25th of July 1887; £30 on the 8th of October 1887; £40 on the 13th of December 1887; and on the 27th of January 1888 £200, making £1470. The other statement—and there must be something to explain which I have not been able to follow, and do not care to stop to follow—is the statement in the account given by Mr. Macdonald: payment in May 1887 of £1000; in July of £400; in January of £200; also in January £180; making together the sum of £1780. Of that sum for the first batch Pigott got £500 and 100 guineas for himself; and there were altogether computed about £975 expenses—Mr. Houston keeping £200 for his own expenses—the expenses consisting of the journeyings of Pigott hither and thither on these infamous quests. My Lord, those he represented, the company, or syndicate, or partnership of *The Times*, or those, at least, who have come before us, seem to have lost their heads over this matter. The only one who seems to have kept something like self-command was Mr. Buckle. He seems wisely to have declined person-

ally to enter into any negotiation with Mr. Houston, but passed him on to Mr. Macdonald.

The second batch is obtained ; the cry is for more. Political hatred and animosity were not yet satisfied ; and as Pigott had found there was a demand at high prices for these wares, there was little difficulty in obtaining the second batch, and they, my Lord, were manufactured and delivered according to contract in the beginning of 1888.

Still, my Lord, there is a demand, and accordingly a further supply is forthcoming to meet the demand, and the third batch is delivered in April 1888, upon the occasion of the trial of O'Donnell *v.* Walter. Now, what had *The Times* done up to this time ? I said April—July 1888 was the third batch, and it was in July 1888 that the trial of O'Donnell *v.* Walter took place.

Now, my Lords, what was the state of the information that *The Times* had ? What were the means of inquiry that they had ? What inquiry did they make ? Before the trial of O'Donnell *v.* Walter Mr. Macdonald knew that they came from Richard Pigott, because he had at the time that letter—another forged letter—which purported to be addressed by Mr. Parnell to Richard Pigott himself, and in which Richard Pigott's name appears. Others had become aware of the fact that this correspondence also came from Richard Pigott. Mr. Soames, of whom it is a pain to me to speak in any terms of anything like, if I may use the expression, severe reprehension—I believe Mr. Soames to be a respectable professional man—he has had here, undoubtedly, a most difficult part to play. He is, he tells us, not merely on this inquiry the solicitor of *The Times*, but he is on the permanent staff of *The Times* ; and I am afraid I must say he has allowed his partisan feeling to carry him

The Second  
Batch.

Third  
Batch.

away to such an extent as completely to blind his judgment, and to commit him to a course of conduct which, under other circumstances, I am sure his good sense would have saved him from. But by the time of the trial of O'Donnell *v.* Walter he had got to learn that Richard Pigott was the source from which these letters were obtained. I do not inquire—I have no right to inquire—the Attorney-General may think it right himself to refer to it—I have no right to inquire what his knowledge was ; but I have a right to say this, what course, in view of such a state of things, would any man of experience in the world or at the bar feel bound to pursue ? What course would a newspaper, what course ought a newspaper, to feel bound to pursue ? I hope I am not putting it too high when I say that when the press comes to a point, when they believe it to be their right, or to be their duty, to launch gravely calumnious charges against any man, that before they do that they must satisfy themselves with almost judicial impartiality that they have solid, certain foundation for the accusations that they are making, and that they are serving some public object in making them.

What *The Times* did not do.

Here is an attack made against a number of men holding, many of them, conspicuous positions in public life, forming a considerable and important party in the House of Commons. Now, in view of that state of things, and on the eve of launching these charges, what was the course that ought to have been pursued ? What was the first idea that would commend itself to the minds of any, the least experienced of my learned friends whom I see in court around me ? Each of your Lordships has had frequently to deal with a number of cases in which there have been forgeries inquired into in courts of justice, not the forgery of one or two men's

handwriting, but the forgery of a number; and if I needed to point to a recent instance, I might point to the facts of a case which your Lordships will see recorded in an elaborate judgment of Mr. Justice Charles, a case which my learned friend the Attorney-General and myself know well, the case of Vagliano and the Bank of England, where a clerk of £120 a year, for a period of nine months, not only forged one name but half a dozen names, and kept up so as to deceive his employers and others for a term of nine months a systematic forgery, which resulted in the defrauding either the Bank of England or his employers of the sum of £90,000. The first inquiry would be, not what view an expert would take as to the dotting of an *i*, the crossing of a *t*, or the curling of a *q*, a *y*, or a *g*, but the first question which would occur to any man would be this: “Where do these come from? Whose is the hand from which they are immediately obtained?”

I do not know whether your Lordships observed, but I was struck with it at the time, that Mr. Houston in giving his evidence was very careful to point out that in passing them on to *The Times* he gave no guarantee whatever about their genuineness. What did they do? They delivered them to one expert; they made no inquiry who Richard Pigott was. No, I do not, and cannot understand it. It should be capable of explanation, but the explanation does not occur to my mind, and none has been given. On the very eve of this inquiry they had not even subpoenaed Richard Pigott, although they had before that date known that he was in communication with Houston, and known from Houston that he was the man from whom all these letters without exception came. I marvel at it. I do not understand it.

Was it up to that time conceived possible that

Pigott was not to be produced ? Was it up to that date conceived possible that your Lordships would be content with the statement of Houston that he got them from somebody, without disclosing the somebody ? Your Lordships will recollect the Attorney-General's explanation given upon the subject. He said in effect :—

*The Times*  
Compact.

"I am not authorised by Mr. Houston to state who the letters came from. I hope to be in a position to state from whom Mr. Houston got them ; but I cannot at present tell you from whom he did get them ; because he got them under the seal of secrecy, and until that seal is removed with the permission of the person with whom the compact was entered into we cannot break the compact."

It turns out, my Lord, that in the ordinary sense of the word there was no compact at all. In answer to the question put by my learned friend Mr. Asquith, in the course of his most effective cross-examination, Mr. Macdonald said that there was no compact or understanding beyond the ordinary newspaper understanding, that the source of information would not be disclosed. But, my Lords, in view of imputations of this kind, in view of an inquiry of this kind, it is idle to say that any such understanding, or even any such express compact, could be relied upon. Mr. Pigott was not subpoenaed to attend as a witness here until long after he had been subpoenaed on the part of Mr. Parnell.

But, my Lords, not only was no inquiry made then, but certain circumstances were meanwhile transpiring. On the 19th of October Pigott gives to Mr. Soames the first statement of his evidence. On the following Monday, the 21st of October, that statement is taken by Mr. Soames, as he told your Lordships in the box at one of the later stages of his examination, to the Attorney-General, and he pointed out upon the face of the note

taken of his examination that there were on that paper the pencil-marks indicating that it had been read by the Attorney-General. At that date, at all events, on the eve of the inquiry, counsel, or at least the leading counsel, knew that they came from Pigott. If so, why at that stage was no inquiry made? Again I marvel; I cannot suggest or understand why not. On the 25th of October it comes to the knowledge of Mr. Soames that Pigott had had an interview with Mr. Parnell, Mr. Labouchere, and Mr. George Lewis at Mr. Labouchere's house; and it is noteworthy in passing to show that according to Pigott's letters of the 11th and 17th of November, *Mr. Soames and Mr. Houston were parties and privy to those interviews.* So Pigott states in the letters, and that statement has not, so far as I am aware of, been denied.

They get a further amended statement from Pigott; still no inquiry about his character or antecedents. Further letters passing between him and Houston. Of their character and purport we cannot tell, for Houston destroyed them. Finally, a letter, most significant and important, of the 11th of November 1888. My Lords, luckily for the interests of truth, Pigott not only sent that letter to Houston, but sent a copy on to Mr. Soames, and if it had not been for the fact that Mr. Soames got that copy your Lordships would have heard nothing of it. I presume it would have been, like the rest, destroyed by Mr. Houston.

Then follows an intermediate letter—the letter of Mr. Soames to Mr. Pigott—which has no reference to the suggestions discrediting his testimony contained in the letter of 11th November. It recites, in almost formal fashion, the account which Pigott had given of his interview with Mr. Labouchere, and of the alleged offer of Mr. Pigott and Soames.

Labouchere, and then goes on to make what has been called “the arrangement in writing,” that *The Times* were not to see Pigott come to harm if he came into the box and told the truth. Then comes the letter of 17th November; but my Lords, they had before any of these letters pursued a very extraordinary course. They had got this man on the 7th of November to make a statutory declaration—I am not sure it was not the second declaration that was made. The declaration, I think, is dated the 7th, and they received it on the 8th. And in that declaration he sets out the fact, amongst others, that at the interview on the 25th October Mr. George Lewis had, in terms, told him, Pigott, that he was the forger.

I will here pause to say this. The one thing that we, representing Mr. Parnell and others, did not know before the 25th October was whether Pigott was the man who had conveyed *all* the letters to Houston. Once that fact was clear and established, we wanted, for we cared for, nothing more, because, I think, I shall demonstrate to your Lordships that that fact once established, proof of forgery brought home to Pigott was an easy matter. In the further letter which follows of 17th November, he goes into the statement of the incriminatory suggestions made against himself, and he says in effect, what he had said in his letter of the 10th, but more in detail and more strongly, that he is a witness who, if called, must be on his cross-examination so discredited that he will do the side that calls him more harm than good. But in that letter of 17th, or rather in the statutory declaration of the 7th November, he mentions one distinct fact. He mentions the fact that Mr. Parnell had charged him, Pigott, with other forgeries; that he, Mr. Parnell, could prove that Pigott had committed a series of other forgeries. Therefore there is at this stage, at least, the

fullest information given to those representing *The Times* as to what kind of person Pigott is alleged to be, and the means of judging for themselves, by inquiry, whether he was or was not a reliable witness. And yet we have it from Mr. Soames that from that time, or before that time, or up to the moment when Pigott was put into the box, there was not one single question put to any one in any quarter ; not one single inquiry made as to the character and antecedents of the man upon whose evidence they desired to blast the reputation and drive from public life men for whom we here appear.

My Lords, Mr. Parnell made that statement of his ability to prove a series of other forgeries against Pigott, and made it on good authority. He can prove it, and I will only point out to your Lordships that it is a matter which I would have been entitled to put to the wretched man if he had appeared here at the conclusion of his cross-examination. I had the persons concerned, or at least some of them, in attendance, and they were such —. Well, my Lords, I do not desire to pursue it ; I am justified in saying, as Mr. Parnell will tell you, that he had justification for the statement made. I will say no more. I do not wish to blacken the unhappy man's memory in any way that can be avoided.

My Lords, still no inquiry. All this in the month of November 1888. Day after day, irregularly, I am afraid—exceedingly so, I am afraid—for more than once your Lordships have said, I and my learned friends kept aggressively pressing that the question of the letters should be put forward. Day after day, week after week, they were delayed and postponed. From November, with full information, no inquiry is made until in the month of February, when the question of the letters is reached, and even then how is it presented ?

Conduct of  
*The Times*  
Case.

Is it too much to say that Mr. Soames and my learned friends then felt that they were indeed fishing in very dirty waters ; for if they had not at that time, I will not say the belief—that would be too strong a thing to say—but if they had not at that time the strongest suspicion that they were leaning indeed upon a rotten staff, is it possible to conceive that the course pursued would have been pursued. Nay, I think you might even put it further, in view of the circumstance which must have then been in their minds, which must have, at all events, suggested to them that they and those whom they represented must have been misled or imposed upon, or may have been misled and may have been imposed upon. Would not the fair, the generous, the proper course for *The Times* to have taken, been, to have met the case, not with a view of exhausting every effort of ingenuity, by the production of other witnesses, to fix some stain upon political opponents ; but to meet this case fully, and if it broke down, because of the unhappy evidence by which it was supported, let it break down—and break down to the rejoicing and satisfaction of every honest and honourable man. Oh, no ! In the place of Mr. Pigott being first called, we have Mr. Soames ; then we have Mr. Macdonald and Mr. Houston ; and then we have, as a kind of platform on which to build or buttress up the evidence of Pigott, we have the attempt made to interpose the expert evidence, a course which I cannot ever recall to have been pursued in any court of justice, even where private interests and private litigation alone were concerned.

Pigott's  
Story.

Now, my Lords, what is the story this man Pigott tells ? His story is that he went to Lausanne and had a conversation with one Davis, got a long statement, which I hope I may be excused for calling a rigmarole—

a statement containing, no doubt, a number of very serious imputations, but all, so to speak, second-hand or third-hand ; but still gets no documents, which were the objects of his quest, which was the object for which Houston had employed and paid him. He came back to Paris, and he was strolling up one of the boulevards one day, when a man accosted him. He had never seen the man before, he did not know him, the man gave the name of Maurice Murphy, but Murphy, said he, had formerly been employed in *The Irishman* newspaper office as a printer. To Murphy Pigott conveyed the <sup>First</sup> <sub>Batch.</sub> object of which he was in pursuit. Murphy said he could not help him, but subsequently told him that he had discovered that there had been left behind in Paris, in an apartment supposed to have been occupied by Byrne or Brennan—I think he said Byrne originally—a black bag. Then said Pigott, “Let me see the black bag ;” whereupon Murphy said, “Oh, no, orders from important persons must be obtained before the contents of the black bag can be disclosed,” and that his orders were to come from America. Why they did not come from America, why they were not sent from America, does not appear—Pigott represents he went to America. I do not stop to inquire whether he thought the sea trip would do his health good or not; whether, in fact, he went to New York at all. He says he did, and that he was waited upon by some gentleman who had had information in some mysterious way of his advent to New York, and that from this person he received authority to obtain the documents in the mysterious black bag—Breslin was the name—and that he then returned, and the contents of the black bag were then supposed to be available.

Your Lordships will not be surprised to hear that

Breslin—who was fixed upon as the person he saw in America, and who was supposed to have given the authorisation for dealing with the mysterious contents of the black bag—is dead. He returns, and certainly this is a very extraordinary story, as told not alone by Houston, but by Pigott. The story is this: that Doctor Maguire, now no more, and Houston, went over to Paris. They put up at one hotel, Pigott at another. On a particular morning Pigott came to them and said, “Here are the letters, a man is waiting below. Examine them; see if they are all right.” They examined them, and paid the money for them then and there; paid for them by a circular note payable at any of the money-changers in Paris; took the documents, and they did not even then take the precaution of seeing, so unlimited was their faith in Pigott, or for some other reason which I might guess, did not take the precaution of seeing whether there was any such person below at all. And with this prize they returned to London. That prize constitutes the first batch of the letters. No inquiry was made on the subject, which one would have thought they might easily have made with the view of localising the apartment in which Byrne or Brennan—Byrne, I think, was the name given—in which he was supposed to have resided. No inquiry for fixing the locality, to ascertain whether any such black bag or anything of the kind had been left behind; not the commonest precaution, not the very commonest precaution, at this stage, taken to inquire whether any part of the story of Pigott was true. And then follows the account, or then was given the account that Pigott deposed to, of the way in which he immediately got possession of the letters. Taken to a room annexed to a restaurant in a street near the Place Madeleine, I think he said, taken

into this room of this public restaurant, and there he is sworn on his knees in the presence of six or seven people, the names of none of whom did he know, and none of whom he had ever seen before, and who, according to his account, he was destined to see once again, and in the same place, upon his bended knees he was sworn never to reveal the source from which he obtained those letters.

But the form of the oath which he was called upon to take was certainly of a most peculiar kind ; it was specially directed to the point of a judicial inquiry ; because the oath was that he was especially not to reveal the source, from which those letters came, if examined in a court of justice ! Was such an incredible story ever told in a court of justice before ?

My Lords, this is as far as it is necessary to trouble you with the story of the first batch.

Your Lordships know the letters comprised in the first batch. They are, the facsimile letter, one letter dated Tuesday, a second letter dated Tuesday, a third letter dated Tuesday, and one on the 9th January 1882, beginning—"What are these fellows waiting for"—all five being Mr. Parnell's. And also six letters purporting to be Mr. Patrick Egan's ; letters of the 18th June 1881, 8th March 1882, 11th March 1882, Tuesday, 24th February 1881, and the 10th June 1881. But accompanying them, my Lords, was what I must call a lot of rubbish, which I should think ought to have still more strongly suggested doubt to the minds of rational men who were anxious to avoid being deceived, especially as they were making grave imputation upon the characters of others. And what was this rubbish ? Twenty, thirty, or forty, I do not know the number, of clippings of sheets of paper, with the same heading of

the House of Commons upon them ; perfectly genuine, I doubt not. Probably the clippings from letters written in answer to the numerous begging petitions which this poor creature was apparently in the habit of sending broadcast. But surely to men who did not desire to be blinded, who did not desire to be deceived, this circumstance amongst others ought to have suggested to them the need, in common fairness, or for their own protection, if they desired to avoid being imposed upon, of some further examination, but there was none.

Second  
Batch.

The story of the second batch was this. He was walking along the boulevards on the second occasion also ; and this time he was accosted by a person who bore the name of Tom Brown. Tom Brown also was a stranger to him. He had never heard of the man ; apparently never heard of the name before. Who Tom Brown was, who he said he was, what connection he had with any organisation, secret or open, in no way appears. All he told us was that he was introduced to him by some one whom he called Hayes. No inquiry. Again the solemn farce gone through of recital by Pigott about his being introduced to the same room of the same café or restaurant ; sworn in the same mysterious way, to the same mysterious effect ; strange to say, in the presence of the same parties, although there was no connection shown, or suggested, as far as I can recall, between the origin of the first batch and the second.

Third  
Batch.

My Lords, the third batch I will not trouble you by referring to. Those two letters are unimportant for any purpose in the case. They are the forgery of a letter of Mr. Davitt's, and the forgery of a letter of Mr. O'Kelly. They were never published, and were only discovered at a late period of the case. But there was one circum-

stance in connection with them—I do not wish to give undue importance to it—but it was obviously, as your Lordships will see, of great importance to those who had to meet this serious charge, that they should know fully and completely all the documents which came from this same source, in order that by reference to the genuineness of some, they might be able to test the want of genuineness of others; and certainly with that view, and in that connection, the discovery of those last two letters was of some consequence. As I say, I do not wish to make unnecessary reflection. I do not wish to attach undue importance to a question of the kind. As a matter of fact your Lordships will recollect they were hidden in a box—when I say hidden in a box, put in a box—with a number of other documents; and it was only after your Lordships, or the able secretary who assists your Lordships' commission, had examined them at a very considerably advanced period of this inquiry, that they were discovered by the accused, and found to be forged. They too proceeded from the hand of Richard Pigott.

Now, my Lords, what was the account Pigott gave <sup>Pigott in the Box.</sup> of himself? I will take his account as it is told by himself, and I will take it in no very great detail. He was the proprietor at one time of *The Irishman* newspaper, and he continued to be its proprietor up to the year 1881, and in that year he sold it to Mr. Parnell and some of his colleagues, together with another paper which he then possessed, called *The Flag of Ireland*.

My Lords, at that time an important correspondence <sup>Mr. Forster.</sup>—important, I mean, with a view to the truth and genuineness of these letters—occurred, and it was divided into two branches. Correspondence between Mr. Egan and Mr. Pigott with a view of negotiating terms of

purchase; and ultimately some letters between M, Parnell and Mr. Pigott on the same subject. To that correspondence I will refer a little later. Then, my Lords, trying to follow out in the order of date, came the correspondence, that remarkable correspondence, with the late Mr. Forster, which began in Pigott's attempt to obtain money and support from Mr. Forster for attacking the popular leaders, in which he succeeded in what cannot be doubted was his main object, namely, in procuring by virulent statements no inconsiderable sum of money from the private pocket of Mr. Forster. And then, when he renewed his attempts with the same object of money, he palms upon Mr. Forster—he invents, and your Lordships will find several other instances of the same kind—he invents the story that at certain mysterious interviews he has been offered a sum of money for disclosing his correspondence with Mr. Forster, and, perhaps, looking to the private character of that correspondence, he meant to convey, supposing that Mr. Forster had not copies of it, he meant to convey there might be said to be something compromising in that correspondence with reference to Mr. Forster, of which, of course, there was not the shadow of a shade of ground. Then, failing success by misrepresentation and false pretence, he turns round and attacks the man who, undoubtedly from his kindly nature, meant to be his benefactor.

Archbishop  
Walsh.

Then, my Lords, we have the next incident; the illustrative incident of his earliest communication with Archbishop Walsh. He writes, appealing to Archbishop Walsh anonymously. The document is before your Lordships, and you will judge whether it was his or not—I think no one can doubt it was his—in which he suggests, through this anonymous form of communica-

ston, that a clergyman, his own neighbour at Kingstown—a Protestant clergyman, he, Pigott, being a professing Catholic—is seeking to take advantage of his penury to proselytise his (Pigott's) children, a statement for which he told you there was no foundation whatever in fact. But in order to get money he invents the statement; he invents the alleged attempt at proselytism, and forwards it anonymously, to excite the sympathy and to ensure the assistance of the Archbishop of Dublin.

His next adventure in this line is his correspondence with Mr. Egan, in reference to certain disclosures which he is asked to make, again illustrative of the man and of his career. He says two gentlemen have called on him at Kingstown.

“They did not give me their names. I did not know who they were; but they asked me would I publish a statement in relation to the affairs of the Land League, and especially in relation to the disposition of the funds of the Land League, a statement supposed to reflect on the honesty of those dealing with those funds.”

In other words, to suggest that funds that had been subscribed for certain public purposes had been applied to private purposes, and to the support of certain members of Parliament. He adds:—

“I am not asked to endorse the truth of this statement. Nay, my mysterious visitors have given me permission to challenge, to contradict, to deny the statements—money is an object with me, and they offer me £500 if I will make the required publication.”

And then in answer to that, Patrick Egan writes a letter, the one on the basis of which, or in view of which, the fabrication of part of this correspondence by Pigott was made. And on that occasion your Lordships will recollect—it is also in court—he enclosed a communication, which is supposed to be a communication handed to him in writing, conveying a request as to the

character of the publication which is desired—forgery No. 2 upon his own confession, for I think no one who heard his story (I am sure I need not labour the point) can doubt that that was an absolute and complete invention.

Then comes, my Lord, what is still more extraordinary, the still more important correspondence with Dr. Walsh, the Archbishop of Dublin.

Your Lordships recollect that the publication of these libels began in the month of March 1887. I think the first early in March 1887. At that time he renews his correspondence with Archbishop Walsh. It is all in evidence. Your Lordships would not desire I should trouble you with going through it again. I must remind your Lordships, however, of its tenor and its effect. That correspondence was, as I think you will conceive rightly, although marked a private correspondence, rightly forwarded by Archbishop Walsh for the elucidation of truth, not to Mr. Parnell or his solicitor, but to me and me alone, and I retained it in my own possession, never having parted with it, but using it for the purpose for which it was sent to me, namely, the elucidation of truth in this matter.

That correspondence in effect is this:—A dastardly attempt is going to be made in the columns of *The Times* newspaper to blast the reputation and to drive from public life Mr. Parnell, and some of his colleagues. I do not know anything about it myself, but accident has put me in possession of the story; and I am able to put your Lordship in possession of information which will enable that design to be frustrated.

The Archbishop replies:—There is no use in making these general statements. If you have any information of importance to give, say what it is. I will otherwise be no party to it. I am not on terms with Mr. Parnell

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sufficiently intimate to venture to make a communication to him, but if you have any statement in the interests of justice to make, make it ; and state who is the person—who is the fabricator in this matter.

Then, my Lords, a number of letters follow which convey clearly and unmistakably that he knows a means to convince the archbishop that these letters are forgeries, but he disclaims that he is the fabricator, or has had anything to do with the fabrication ; and then he writes two letters in particular, which appear to go into the matter in greater detail than any of the others, and he asks the archbishop to return those two letters, which the archbishop accordingly does. Probably if those had been forthcoming the story would be even more complete than it is at the present state of the evidence.

My Lords, I really do not stop to argue this question. I can hardly conceive that there are minds so constituted as to entertain any doubt, in view of all the antecedents, in view of the story he told in the box on his examination-in-chief, and upon cross-examination, who can entertain even the faintest, lingering doubt that from beginning to end Pigott was the undoubted forger of every one of those letters.

But we will pursue the story. On the 25th of October, at his own request, or in pursuance of his own request, he has an interview, at which Mr. Parnell, Mr. Labouchere, and Mr. George Lewis were present. Your Lordships will recollect how that request came to be conveyed. He was subpoenaed by Mr. George Lewis, and in answer to that subpoena he writes to know what arrangements are to be made for paying him, and what he is to get for his loss of time and so forth, to which he gets a curt answer to the effect that he will

be told when his attendance is required, and there will be forwarded to him by Mr. George Lewis's agent the proper conduct money when his attendance is required. Then he follows that up by a letter to Mr. Labouchere, in which he expresses the wish or the desire to meet Mr. Parnell and Mr. Justin M'Carthy.

Pigott and  
*Truth*.

But before that, my Lords, a very important fact transpired. First of all, this. On the publication of that facsimile letter, which occurred in April, there immediately appeared, in, I think, the very next issue—I had the number here and I could have referred your Lordships to the exact number, but it has apparently for the time been mislaid—there appeared in the columns of *Truth* this statement: No one had seen, Mr. Parnell had not seen, the original of the facsimile letter, but it was suggested that either of two things might be true—either that, looking to the position of Mr. Parnell's signature, which was at the top of one of the pages, his genuine signature might have been innocently placed there, the other part of the letter being afterwards written, or the alternative suggestion was that the whole thing was a forgery. These two theories, or explanations, or suggestions appeared immediately after the publication of the facsimile letter, and as regards the second of those theories, namely, that it was a forgery, the name of Richard Pigott was mentioned as the probable author of that forgery.

Later, when in the course of the trial of O'Donnell *v.* Walter, the Attorney-General had opened the other letters, for, up to that time, your Lordships will understand that the only letter which had been published was the facsimile letter, the attention, of course, of the whole world was drawn to the other letters; and then there arrived in this country, in the circumstances

which your Lordships heard deposed to by Mr. Labouchere in the box, this important correspondence between Egan and Pigott—Pigott's original letters and Mr. Egan's replies on the back of them, the correctness of which, in substance, Pigott acknowledged.

I am reminded, and of course your Lordships will recollect, that one of those genuine letters from Egan to Pigott had been published in the *Freeman's Journal* as far back as December 1881.

Now, my Lords, I follow out the story of this man. Pigott's  
Confession. He came into the box and was, I think, for part of one day and the whole of another day cross-examined by me, and on Friday, the 22d of February, he appeared for the last time in the witness-box. On the Saturday, something important occurred. He went to Mr. Labouchere again, professing to desire to make a clean breast of the matter. Mr. Labouchere, as he told your Lordships, declined the interview, unless in the presence of some third person, and as a neighbour accessible, he sent for Mr. Sala. And then, upon the initiation of Pigott, that confession your Lordships have heard of was taken down, in which he in effect denies the story he had told on his oath in the box, and confesses that all these letters were forgeries, and were forged by him.

My Lords, something else follows upon this. That confession is communicated by Mr. Labouchere to Mr. George Lewis. He takes a copy of it. He gets it, I think, on Saturday night or Sunday morning, and on Monday morning sends it back to Pigott in a letter which has been read.

Meanwhile Pigott had been seeing somebody else. One of your Lordships expressed surprise that we should have expected to see Pigott again in the box after his confession made to Mr. Labouchere and Mr. Sala. I was

a little surprised at the moment, but I confess upon reflection I think that was a natural expression of the learned judge who made it, but I had in my mind the fact that he had confessed on the 25th of October to these very forgeries, and yet he appeared in that box on two or three occasions afterwards. But, my Lords, if it should not be a matter of surprise to us that he did not reappear on the following Tuesday, what was the state of knowledge and information which was possessed by those representing *The Times*? We now know what happened. Mr. Shannon sees him on the Saturday, I think, or on the Sunday, I forget which, after he had made his full written confession and signed it in the presence of Mr. Labouchere and Mr. Sala. Mr. Shannon, in view of, and with the knowledge that he had confessed to the untruth of his story in the box, is a party to his making a fresh sworn declaration, reaffirming his evidence in part only, as he had given it in the box; and then follows this extraordinary communication in which to Shannon he writes as a matter of course when he gets to Paris:—"Herein I send you"—I do not stop to refer to the letter—these are almost the very words, certainly their tenor—"I herein send you enclosed, which came to me just as I was leaving"—that is the written and signed confession. Did Shannon know that he was leaving? He was their witness; he was not ours. They had two policemen, if not in charge of him, looking after him. That was the expression used—did Mr. Shannon, or did he not, convey to Mr. Soames that on the Sunday he had thought it necessary to make arrangements for the taking of that declaration? Did he on Monday tell him that he had made that declaration, and if blame for this man's disappearance and, it may be, for his wretched death, lies anywhere, where

Shannon  
and Pigott.

does it truly and justly lie? Why were no steps taken to ensure his continued attendance in the witness-box, and how comes it that he is on these terms to write to Shannon?—"I received the enclosed (which I send you) just as I was leaving"—and how comes it that he sends that last communication of all, which I think has not yet been produced in your Lordships' court, which I have before called for, and which I hope will presently be produced—the telegram from Madrid, the last communication he made to Shannon, begging that there may be sent to him—I do not want to do injustice to any one in the wording of a telegram, but it was to this effect—begging that there might be sent to him what "you promised Mr. Soames would send," or "what you promised." And, my Lords, that there was an understanding with Shannon, that Shannon knew he had gone, that Shannon knew he had gone to Spain, because, probably, Spain was a place it was believed the extradition treaties might not extend to, is shown by the fact that he telegraphed in a name which would not be known to anybody who had not been party to his using it, telegraphed in an assumed name. That is the story.

(The President) My recollection is that he says: "Communicate by the name that I give."

(The Attorney-General) Yes.

(The President) I think you are mistaken, Sir Charles.

(Sir C. Russell) No, he had communicated in an assumed name, my Lord; that is my point; and even if it be as your Lordship suggests, how comes it that Pigott, a fugitive from justice, is confiding his assumed name to Mr. Shannon?

(The President) I thought you were suggesting that Mr. Shannon must have known he was going there under an assumed name.

(Sir C. Russell) My Lord, I am. I agree with your Lordship.

(The President) I was pointing out that my recollection of it is, that he says, "Communicate with me by this name."

(Sir C. Russell) My Lord, I will say not your Lordship is not right, but my recollection is not so. My own recollection is, that the telegram purported to come from Roland Ponsonby.

(The President) Perhaps so.

(Sir C. Russell) That being the assumed name, but I do not dwell further upon it. The point I am making is this: that the terms of that letter which he writes, enclosing the original signed confession which Mr. Lewis had meanwhile returned to him, shows that Shannon was a party, in point of knowledge, to his leaving, because in that same letter in which he says, "Just as I was leaving I received the enclosed," he adds, "I will write to you soon again." Your Lordships will recollect the passage in the letter, because that letter has been produced.

Now, my Lords, I leave that matter. The force of my contention does not depend upon minute criticisms of either the letter or the telegram. I will only observe, in passing, that it is difficult to see how anybody could identify Roland Ponsonby, which was the name used in the telegram, with Richard Pigott, unless there had been some precognition on the part of the recipient of the telegram that that was the name agreed to be used, or going to be used.

My Lords, I return to the consideration very briefly of these letters themselves. To take the first of these, I mean the first in point of publication. Mr. Macdonald thought that these letters, on the face of them, were the

most natural letters to write under the circumstances. Mr. Macdonald's account in this matter was certainly a most interesting as well as a most remarkable one. His attention is called to the fact of the body of the letter being written in one hand and the signature in another. He suggests that, in his opinion, the body is in the handwriting of Mr. Campbell, Mr. Parnell's secretary, but that Mr. Campbell sought to disguise his handwriting in the body of the letter. He adds:—

I do not suggest Mr. Parnell's signature is at all disguised; that is, naturally, his genuine signature.—Were there any envelopes with these letters?—No, there were not. Did it strike you as at all singular that the body of the letter should be written in a disguised handwriting, and that a genuine undisguised signature should be put to it?—No, not at all (said Mr. Macdonald), it is exactly what the Irish leaders do. It is exactly what I, if I were a conspirator myself, should do. I should have the body of the letter in another handwriting, I should have the indorsement of the letter written in one handwriting, I should have the signature of the envelope in another handwriting, and I should destroy the envelope.

How the sender of the letter was to go through all that operation, especially destroying the envelope, passes comprehension. My Lords, though this may have its ludicrous side, it points to a very serious, a very extraordinary, a very lamentable state of mind. On Mr. Macdonald's own confession he was absolutely ready to believe anything that could be said in defamation of Mr. Parnell and of Mr. Parnell's colleagues. He was ready to swallow wholesale, in spite of any improbability, any imputation made upon them. My Lords, that is the key to a great deal of this story. It is the

key to the whole fabric of calumny which has lifted up its head under the name of “Parnellism and Crime”; a want of common charity, a want of common care, a neglect almost criminal, an attitude of mind which endorses, which accepts without question, the gravest accusations against political opponents.

What is the language of this letter? “I am not surprised at your friend’s anger.” I need not trouble your Lordships with reading it. And then we have this interesting instance of the *ars celare artem*, which a man of the wretched antecedents of Pigott knew well how to apply; what *The Times* in one of its articles calls the accidental corroboration of three words being crossed out—the accidental corroboration of the name being written on one side of the sheet, which no forger, they suggest, would resort to; and, last of all, the fact that it being known that Mr. Parnell leads a solitary life and does not mix generally with his colleagues, the crowning item of corroboration in this letter, which found ready acceptance in the mind of Mr. Maedonald, was the fact that Mr. Parnell desired that his address should not be known. In words smacking a little of transpontine melodrama:—

“Let not my address be known.”

Betray not the secret haunt in which I am plotting my conspiracies! What is the next?

9th January 1882.

“DEAR E.—What are these fellows waiting for? This inaction is inexcusable. Our best men are in prison, and nothing is being done. Let there be an end of this hesitency. Prompt action is called for. You undertook to make it hot for old Forster and Co. Let us have some evidence of your power to do so.—Yours, very truly,

CHARLES S. PARRELL.”

That again found ready acceptance from Mr. Mac-

donald and those whom he consulted in this matter. Then the others are—I do not dwell, my Lords, upon the point of “hesitency,” it is already appreciated by your Lordships. I might, if it was worth calling your Lordships’ attention to, draw attention to the spelling in some other respects, as, for instance, the spelling of the word “likelihood” as “likelehood,” in the letter of “Tuesday,” which corresponds exactly with genuine letters of Pigott’s, which we have to produce to your Lordships, and also the corresponding misspelling in the word “livelihood” in the genuine letters which corresponds with the same mistake, with the use of the second “e” in both words. I do not dwell upon these small matters. If it were necessary, I could go further and point out to your Lordships several other points of resemblance, even down to the question of handwriting, but when your Lordships have before you, as you have had, two or three specimens of what I must call, I think, if not admitted, clearly proved, specimens of the way in which he can feign handwriting in the memorandum to Archbishop Walsh about the alleged proselytism; in the memorandum to Egan about the mysterious visits of the strangers, and so forth, I need not dwell upon or labour that point.

Then, as to Egan’s letters, some considerations of another and of a different kind apply. My Lords, these Egan letters were written—designedly written—to build up the theory of complicity with the Phoenix Park murders. Thus a good many of them, so far as they appear, are innocent, but, of course, the object was to show that the man who produced them was pretending that he had access to many letters.

The next letter is addressed to James Carey, Esq., purporting to be signed by Patrick Egan.

“I have by this post sent M. £200. He will give you what you want. When will you undertake to get to work and give us value for our money?—Faithfully yours, PATRICK EGAN.

“James Carey, Esq.”

My Lords, two genuine letters of Egan's to Carey have been produced relating to the time when Carey was a candidate for some office in the Corporation of Dublin, and those letters are not addressed “Dear Sir,” in this fashion: they are addressed “Dear Carey,” or “Dear James,” I think, is the expression in those letters; but this letter was designed by the introduction of the reference to M., which the Attorney-General interpreted, and rightly interpreted, to be intended to mean, “Mullet” or “Mullets,” two of the persons who took part in the Invincible conspiracy.

My Lords, I wish to draw attention—and this is the last thing that I have to say in regard to these letters—to the parallelism which is to be found between certain of the genuine and certain of the forged letters. I think you have already had a copy of these handed to you. I will only trouble you by reference to two or three of these. Now, here are the first, which I will compare. Genuine letter:—

“DEAR SIR—I am in receipt of your letter of the 16th inst., and in reply should write to Mr. P. as you request, and ascertain his views” (that is, in reference to the purchase of a paper).—  
“Yours truly, P. EGAN.”

Forged letter 1881, the figures agreeing—“Dear Sir,” the words agreeing, “I am in receipt of yours” agreeing, “instant” agreeing. “Mr. P—, Mr. Parnell” agreeing, “yours truly” agreeing. “P. Egan,” of course, agreeing. That is not the most remarkable, although it is remarkable enough.

The next is the parallelism between the genuine

letter of the 18th June 1881 and the forged letter of the 18th June 1881. This is remarkable—the forged letter :—

“ 18th June 1881.

“ DEAR SIR—Your letters of the 12th and 15th inst. are duly to hand, and I am also in receipt of communication from Mr. Parnell informing me that he has acted on my suggestion, and accepted the offer made by B. You had better at once proceed to Dundalk, so that there may be no time lost.”

Genuine letter, “ 18th June 1881” agreeing, “ your two letters of the 12th and 15th” agreeing, except that it is 12th and 13th, “ are duly to hand” agreeing, and “ I am also in receipt of” agreeing, “ communications from Mr. Parnell” agreeing, “ informing me that he is” agreeing, “ on my suggestion” agreeing, and “ accepted the offer” also agreeing.

My Lords, really is not the conclusion clear as anything can be that this wretched creature, with this genuine letter before him, simply proceeded, in order to earn the money which was temptingly placed before his eager eyes, to use these genuine letters to manufacture those which we are now discussing? My Lords, these two letters that I am comparing were in the first batch, and the worthlessness of Pigott’s partial retraction of his confession in this wretched declaration which he made on the eve of his flight, and made at the instance of Shannon, is thus clearly shown; that letter, the forgery of which nobody would venture to doubt, is stated to be one of the genuine ones.

The next parallelism is the forgery of the 11th of March 1881 with the genuine letter of the 11th of March 1882. The forged letter beginning, “ Dear Sir—As I understand your letter which reached me to-day.” The

same date with an altered year 1881. “As I understand” agreeing, “your letter which” agreeing, “reached me to-day” agreeing; and then the sum of £500 in the genuine letter as against £50 in the forged letter. “Under circumstances” in the genuine letter, “Under existing circumstances” in the forged letter.

In Mr. Parnell’s alleged letter of the 16th of June 1882 forged letter, 16th of June 1881 genuine letter, dates agreeing, with the alteration of the year to 1882. “Dear Sir” agreeing. “In reply to yours of this date, I am sure you will feel I shall always be anxious;” in the forged letter “I shall always be anxious.” Lower down, agreement of the phrase “in reference to condition,” and a number of other similar words; and in another forged letter of the same date of the 16th of June is introduced a still more remarkable phrase showing the parallelism, namely, Pigott transfers from this genuine letter of the 16th of June 1881 into the forged letter of the 16th of June 1882 the phrase, “I am sure you will feel,” so that in those two forged letters the figures of the 16th June 1882, there are very few words or phrases that are not to be found in the genuine ones; but, my Lords, I really will not pursue this point of the case further.

Your Lordships know what followed on the disappearance of this man—the wretched fate that came upon him. There has been an absolute, total, hopeless collapse of this part of the case, without which your Lordships would not have been troubled with this anxious, this wearisome inquiry—the part of the case which represented a definite, distinct, clear issue, unmixed with political complications or considerations, utterly, hopelessly, irretrievably broken down.

An opportunity was thus offered to the advisers of the prosecution for reconsidering their position. Their evidence had then, so far as evidence upon the general case was concerned, practically come to an end. There were some witnesses afterwards called of no serious consequence. Surely they must have felt, surely the experienced advisers who are here appearing for the prosecution must have felt, that, upon the general case, their charges had by their own extravagance broken down ; that their proof, their attempted proof, if every word of it was to be believed, had fallen miserably short of the enormously grave accusations they had advanced. They were then offered an opportunity, I will not say of redeeming the prestige of their paper, but they were then offered an opportunity at least of showing that they were not filling the rôle of rancorous, pertinacious opponents in the prosecution of a political party. They might then at least have said—retiring so far as they were concerned, and leaving your Lordships on your own responsibility to pursue this inquiry as you please, and as far as you please—they might have said : “ We have now broken down in this the most serious part of the case”—for who can doubt that it was ?—“ the rest we retire from, and leave your Lordships to deal with.” But no, the vials of infamy must be poured out upon the heads of the Irish leaders and their party to the very last drop, to the very dregs ; and so, in the face of this collapse, they have persevered up to to-day upon instructions—I doubt not, I am not suggesting that they had free hands in the matter—pertinaciously persevered, and with no generous attempt made, with no earnest effort made to try, even at this stage, to do imperfect justice to the men whom they have so foully slandered.

XVII.

THE CHARGES AND ALLEGATIONS

MY LORDS, we have endeavoured, as your Lordships are aware, to lay before you in some methodical fashion the general evidence which has been adduced on the part of the prosecution, and we have done it with a view especially of calling the attention of the court to such portions as seem to be directed in support of the allegations against individual members of the Irish party or others expressly named. I have now, my Lords, in view of the evidence, to ask your Lordships to allow me to contrast with it, in its weakness, in its generality, the specific, weighty, and grievous charges which are contained in the libels in question.

We have endeavoured to condense those charges and to collate them under nine heads. I will state these charges first in language of my own, and then I will read the passages in the libels which justify my brief allegation of what the charges are.

My Lords, the first charge is this: *That the Land Leaguers deliberately based their movement on a scheme of assassination and outrage.*

That that is a correct statement of one serious charge I proceed to justify. On page 197 of the Blue Book you will find this sentence:—

“Murder still startles the casuist and the doctrinaire, and we charge that the Land League chiefs based their movements on a scheme of assassination, carefully calculated and coolly applied. Be the ultimate goal of these men what it will, they are content to march towards it in company with murderers. Murderers provide their funds, murderers share their inmost councils, murderers have gone forth from the League even to set their bloody work a-foot, and have presently returned to consult the constitutional leaders on the advancement of the cause.”

My Lords, I do not need to say one single word in illustration of what that means. It means that Mr. Parnell, Mr. Davitt, Mr. Dillon, and the rest were deliberately parties to setting on foot schemes of assassination, carefully calculated and applied, that the enactors of those schemes went straight from the councils of the Land League leaders to do their criminal work, and then have presently returned to state the result of their action.

Therefore, my Lords, the charge from the first, in its essence, in its marrow, has been, not a charge of constructive, moral or legal responsibility for the acts of indiscreet or wicked agents, it has been a deliberate charge, that the leaders deliberately used outrage and murder as the means by which their political aims were to be attained.

My Lords, that view is carried out by reference to the Blue Book, at pages 193 and 194 :—

“There are plenty of authentic utterances fixing upon prominent members of the Home Rule party the guilt of direct incitement to outrage and murder, just as there are declarations placing it beyond all doubt that they are inspired by hatred of this country, and by a determination to destroy the last link that keeps Ireland bound to England.”

Again, your Lordships will see it is not a charge of indiscretion—of making speeches at times and under

circumstances of excitement which ought to have suggested to the minds of these leaders greater caution and greater self-restraint ; but it is a charge that these authentic utterances were uttered by the Home Rule party intending them to be, and that they were, direct incitements to outrage and murder.

My Lords, this view is endorsed by the Attorney-General in his opening of *O'Donnell v. Walter*, at page 67, because, after referring to that passage, he proceeds :—

“That is a true comment and a true statement of what the work of the organisation was, as I shall proceed to prove before you in the course of this case.”

Again, my Lords, at pages of the Blue Book 194 and 195 :—

“Merely to have his revenge upon his countrymen for rejecting his advice, and to prove his declaration, that ‘all other business shall be made impossible,’ to be no idle threat, Mr. Gladstone and his party are deliberately allying themselves with the paid agents of an organisation whose ultimate aim is plunder, whose ultimate sanction is murder, to paralyse the House of Commons, and to hand Ireland over to social and financial ruin.”

Mr.  
Gladstone.

My Lords, as the name of that great man has been introduced, I will make a passing reference, and only a passing reference. Your Lordships will have seen that the miserable attempt was made in these libels to eke out their charges by quotations from some words of that eminent man and some of his former colleagues. My Lords, of course it would be enough for me, in passing, to say that your Lordships look not to such declarations, but to the evidence which is produced before you ; that this is not a case in which judgment is to be formed upon utterances, even from so great men as those to whom these utterances are attributed ; but I wish to

note, my Lords, that these former utterances are cited by the libellers at the very time they are denouncing the policy of conciliation introduced by Mr. Gladstone, the introduction of which policy is the best proof, the strongest proof that could be given, that his later views of the Irish question, and the attitude and conduct of the Irish leaders in relation to that question, are, as he believes, founded on truer, juster, and more accurate knowledge than any he had previously possessed.

My Lords, I proceed to page 206 of the Blue Book, which speaks—I am loath to read these passages at greater length than is necessary—of how “the infernal fabric rose like an exhalation to the sound of murderous oratory;” how “assassins guarded it about, and enforced the high decrees of the secret conclave within by the bullet and the knife.”

My Lords, by reference back to page 197 your Lordships will see, as the passage proceeds, it refers to three members of Parliament, who were then sitting in Parliament, and were members of this conclave; and they there refer to Mr. Parnell, Mr. Thomas Sexton, and Mr. Arthur O'Connor. Then they proceed to point out, as fugitives from the law, Boyton, against whom there is no proof from beginning to end of this case that I am aware of, and I have, with the assistance of my friends, carefully examined it; Sheridan, against whom there is no proof except that, which is no proof in point of law, a true bill was returned against him by the grand jury of the city of Dublin, and the evidence of the man Delaney; Egan, against whom there is no proof of wrongdoing up to the time he went to America, and no proof there except the statement of the man Beach or Le Caron; Brennan, against whom there is no proof at all, except the statement of Delaney—proved by the

dates to be false—that he (Brennan) was a party to the Invincible conspiracy, Brennan having been in prison, as I yesterday pointed out to your Lordships, from the 23d May 1881 to the 16th of June 1882—in other words, nearly six months before the initiation of this foul conspiracy, and kept in prison until one month after the tragedy at Phoenix Park.

It then proceeds, at page 242 of the Blue Book:—

“The whole conspiracy, whether carried on by mealy-mouthed gentlemen who sit at London dinner-tables, or by the fiends who organise arson and murder, is one and indivisible.”

At page 17, upon the second day of the sitting of this Commission, the Attorney-General, following the same line, said this:—

“They” (the leaders) “did not themselves go and personally plan the outrages. They could not do it, because they had not the time, and of course would not be connected with it directly; but there the men were doing it for them, and of that system they took the advantage.”

I do not know whether the Attorney-General meant or thought that was a milder form of conveying this grievous accusation; I will only say that if it be a milder form it is certainly a meaner form of conveying it, because it is a statement that men did not do the thing themselves, but sent creatures to do it for them, because of course they would not be connected with it directly.

My Lords, those are the portions of the libels which justify the first general charges made.

Now I would ask your Lordships to consider this. I dealt with the letters yesterday. I felt when I was doing so that I was indeed “flogging a dead horse;” but take away the letters, and where is the foundation on which rests any part of these charges which I have just now read?

Where is the evidence which, if your Lordships were sitting in a criminal court (for in truth this is a criminal charge), and penal consequences of loss of life or deprivation of liberty were to follow, your Lordships would think fit even to be submitted to the consideration of a jury on such a charge as this with which I am now dealing?

As to Le Caron's evidence, let me remind your Lord- Le Caron.ships, when these libels were penned Le Caron or Beach was, I presume, unknown to the agents of *The Times*, for I do not suggest, I do not mean to insinuate even, for if I meant to insinuate I should state it broadly, that, at that time, Mr. Anderson was in confidential communication either with Mr. Macdonald or Mr. Houston. As I understand, Beach or Le Caron is a kind of a *Deus ex machinâ*, perhaps *Diabolus ex machinâ* would be the better expression, who comes forward disgusted, forsooth, at the impotent and weak manner in which the case is presented, who comes forward to save the prosecution from utter ruin and collapse.

My Lords, his whole story is no evidence against Mr. Parnell, except, in so far as you can place reliance, when you have heard the story, upon the scope and character of the interview which he alleges he had with Mr. Parnell in May of 1881; and as I have alluded to this matter, may I, in passing, observe (I think I did yesterday observe—I may repeat it), that Le Caron does not allege that at the time of this interview he was introduced or mentioned in any sense as connected with any secret or unconstitutional organisation? nay, further, that he does not allege that at that time the secret organisation with which he was connected was, if it ever was as such, which I greatly doubt, in any way committed to a policy of dynamite and outrage.

Lastly, I have endeavoured to show your Lordships, and I hope I have succeeded, that the whole current of his communications to this country are inconsistent with the story, in its main and essential features, which he desires to convey.

Second Charge.

The second charge is this : *That the leaders, by their speeches and those of their subordinates, directly incited the people to outrage, and took no step by speech or act to prevent, to stop, or to condemn the outrages.*

That, your Lordships will understand, is my language in collating this second general head of charges.

Now for my justification for putting it in this form. At page 73 of the Blue Book your Lordships will find the Attorney-General says :—

“On the one side I shall put before you affirmative evidence of the infamous speeches” (directly inciting to outrage, arson, etc.) “that were being made by many of these men, sometimes by the leaders themselves, at other times in their presence ; and on not one single occasion do we find the slightest speech or one single expression directed to diverting the minds of the people from outrage, to diverting them from the acts which certainly followed, and which, to the knowledge of these men, followed.”

And again, on page 74 :—

“During the whole period of these years there is not, so far as I know, one solitary speech amongst the thousands delivered in which any one of these men deprecated the outrages that were undoubtedly going on.”

My Lords, again, in the opening of this Commission, at page 13, the Attorney-General says :—

“They, with scarcely an exception, never denounced these outrages or took any steps to put an end to that which was, if I am correctly instructed, one of the most cruel tyrannies that ever existed in any country or in the history of the world. Many of these men, whose names are included in these particulars, could and must have known that sums of money were being paid, not in an exceptional

instance, but over a long period of time, to persons who were engaged in carrying out acts of violence, and the crimes to which I have referred."

Then at page 46 he makes the further statement, which he afterwards indeed qualified, by saying that he believed it would be possible, to say that in one or two speeches there was something like reference to, he could not call it condemnation of crime. At page 46 he says :—

"No single step is taken to denounce the crime or those guilty of any of those outrages."

I would only remind your Lordships in passing what the evidence is the other way : beginning with the circular, I think, of December 1880, followed by another circular, there were 30 speeches, I think, of Mr. Davitt immediately after that circular of December, and continued up to the time of his arrest in February 1881, and speeches by others which I have here, but will not trouble your Lordships by referring to—I have referred to them before—dealing with this very subject of condemnation, a collection of evidence that I, certainly taking an interest as I do in Irish politics, did not know of the existence of to the same extent, and I have no doubt that many others who depend upon exclusively English sources of information were in the same position. But further, there is the evidence called for *The Times*, the evidence of the reporter (I think his name was O'Malley), who spoke of attending and reporting 200 Land League meetings, and who told your Lordships that with hardly an exception, I think his expression was "generally," at those meetings there was an appeal to the people to abstain from crime, and a denunciation of crime by the chairman or clergyman, or some of the prominent speakers, at each of these meetings. The other constable, who was

a shorthand reporter (I think there were only two so described), was a man called Irwin, called very early in the course of the case, who gave evidence to a similar effect. So much for the second charge.

Third Charge.

The third charge is: *That if at any time any of the leaders have verbally condemned or discouraged outrage and crime, their language was insincere and hypocritical.*

In connection with the second charge there is a passage I did wish to read; it is on page 316 of the Attorney-General's opening, in connection with the passage which I have already read. It is this, after stating no attempts were made to discourage outrage, he proceeds to say:—

“I also ask your Lordships to draw the conclusion that it was a system and not an accidental effusion of acts of violence by any agents who were beyond the control of the central body; it was an organised conspiracy;” that is to say, an organised conspiracy for acts of violence and outrage.

On page 104 of the Blue Book the libel proceeds:—

“It may well be that at certain moments the murder of landlords and tenants is honestly discouraged by the League, and the gentlemen who do its work in the House of Commons. . . . These tasks must be made as easy for them as possible.” (I think that must be *their* tasks.) “Hence murder is verbally discouraged, and Mr. Parnell judiciously drops the inspiriting language he is accustomed to address to his brother-conspirators when dollars are required.”

So as to Mr. Michael Davitt, at page 208:—

“On this occasion Davitt repudiated outrage or assassination as a means of helping Ireland.” (Now, his hypocrisy.) “Ten days later he met the leaders of the Assassination Party in conference at Astor House. On Mr. Davitt's motion they resolved to form an Irish confederation, with Mr. Parnell's assistance.”

And so, my Lords, in the opening of this Commission

the Attorney-General, making a similar reference to Mr. Parnell, sought to sustain and to support that reference with regard to Mr. Parnell's conduct on the occasion of the denunciatory manifesto following the Phoenix Park murders, and accordingly the Attorney-General, at page 171, is instructed to say:—

“It will be proved before you, by Captain O’Shea, that Mr. Parnell objected to sign that document, and only signed it under the necessities of the case, and objected to its terms.”

My Lords, Captain O’Shea was called into the box, and Captain O’Shea, as your Lordships will recollect, said that was not true, and expressed, as every other witness who had any knowledge of that matter, and others will be called before your Lordships, the state of absolute prostration in which Mr. Parnell and his immediate colleagues were at the news of that dastardly blow, not merely at the lives of two men, but at the policy that the Irish leaders represented. And as I have mentioned Captain O’Shea’s name, let me remind your Lordships of what he said of Mr. Parnell’s attitude in relation to it. At page 400 he is asked:—

“Do you believe these men were opposed to his policy? (A.) Of course, if his policy was not dynamite, and they came over with dynamite, of course they were opposed to his policy. (Q.) And you believe he was so opposed? (A.) That Mr. Parnell was opposed to dynamite, yes, most certainly, as I have said. (Q.) And to outrage? (A.) And to outrage. (Q.) You were perfectly confident that he had a sincere desire to follow out this agitation on constitutional lines? (A.) Certainly. I can go even further if it is any advantage to you.”

And then a little later he makes a reference to the forged letters, as to which he says they came upon him as a startling surprise and revelation.

My Lords, the fourth charge is this: *That no other* <sup>Fourth</sup> <sub>Charge.</sub>

*cause has been, or could be, suggested for the crime in Ireland from and after 1879 except the agitation of the Land League and the speeches of its leaders.*

At page 73 of the Blue Book this passage occurs in the Attorney-General's speech :—

“The outrages numbered literally thousands, and there is every reason to believe that they can only be traced to the Land League agitation.”

At page 82 of *O'Donnell v. Walter* there is this :—

“No apparent cause of any sort or kind has ever been suggested, or can ever be suggested, with all the ingenuity of my learned friend and those who assist him, for this extraordinary outburst of crime, excepting the agitation of the Land League, which had been started in the autumn of 1879, and continued throughout the whole of the years 1880 and 1881.”

My Lords, in view of the argument, the historical argument, with which I have been obliged to trouble your Lordships at very considerable length, do I need to make an answer to that charge? How imperfectly the Attorney-General must have been instructed when these statements were made! I have shown your Lordships how, with recurring distress, there was recurrent crime always springing from the same causes, the hapless condition of the actual tillers of the soil in Ireland in relation to those who had the proprietary rights in the soil.

*My Lords, the fifth charge is this: That the funds of the Land League were habitually used to pay for outrage, and were used to procure the escape from justice of criminals.*

At pages 154 and 253 of the Blue Book (the latter reference being a reference by the Attorney-General) there is this :—

“But the fact is clear, however it be accounted for, that several months after he resigned the treasurership, he (Egan) had funds in

Recurrent  
Distress  
and  
Recurrent  
Crime.

Fifth  
Charge.

hand to enable his fellow-criminals in the Phœnix Park murder plot to escape to America."

I have already shown your Lordships that there is not one tittle of evidence sufficient to affect the character of the meanest of God's creatures against Egan in relation to this. Here he is spoken of as a fellow-criminal in the Phœnix Park murders. It proceeds at page 254 :—

"On the 18th of February 1883, her sister-in-law had returned from Ireland, with £200 from Egan to enable the whole gang to escape to America ; and on Mrs. Byrne's discharge from custody, Egan made her a further grant of money for the same purpose."

My Lords, on neither of those statements is there (I will not complain of being interrupted ; I ask to be interrupted if I am wrong) one tittle of evidence submitted to this Court. I want to know whence came this information, if there were information, which justified the writer of these libels in making so serious a charge as that ? Were *The Times*, even at that early date, in communication with spies and with informers who were giving them false information for payment ; but who are found to be utterly unproducible, utterly unworthy of credit ; so that no attempt even is made before your Lordships to substantiate the grave and weighty charges founded upon their information ? At page 13, my Lords, the Attorney-General said before the Commission, but I have already read that passage, and I will not read it again. It is one in which he refers to the payments—not an exceptional instance, but over a long period of time. I will not trouble your Lordships by referring to that. But then comes a passage with which I must trouble your Lordships. I have referred to it in my general opening ; I must do so again. The Attorney-General says, at page 186 :—

"I think it will appear that an emissary of the Land League, an agent of the Land League, used to get the money from the treasurer—either Mr. Biggar or Mr. Brennan or Mr. Egan, any one of the officials who might be in charge ; used to take down the money, £20 or £30, having received the money of course from Mr. Biggar or from any of the other officials who handed it ; used to take down the £20 or £30 into the district, and then distribute it locally to the men who were to carry out the outrages."

My Lords, again I ask, where is there a tittle of evidence in support of that allegation ? The justification which the Attorney-General and those who instruct him, I suppose, thought they had in their minds were the forged letters attributed to Patrick Egan. That is the meaning, but so far as evidence in this case is concerned there is none, and I shall look with some curiosity (I am afraid it may be at a remote period) to the time when the Attorney-General comes to grapple with these statements which I am now making, to see the course which he will feel himself bound—nay, compelled to take in relation to them.

Sixth  
Charge.

My Lords, the sixth charge is this : *That at the time of the Kilmainham negotiations Mr. Parnell knew that Sheridan and Boyton had been organising outrage, and therefore wished to use them to put down outrage.*

At page 139 of the Commission, on the second day, the Attorney-General uses this language :—

"You will, I think, have no doubt upon the evidence which I shall be able to lay before you, that Mr. Parnell knew perfectly well, not only that the outrages had taken place, not only that the outrages had followed in various parts of Ireland from the speeches that had been made by the representatives of the Land League, but knew the persons who had been mainly instrumental in the organisation of those outrages ; and I particularly wish to make myself clear with regard to that matter. I have mentioned that Sheridan was one of the persons who was the chief organiser in

the west, and Boyton was one of the persons who was the chief organiser in Leinster."

Again, I pause to ask, in the heterogeneous mass of evidence presented to this court, extending over a period of some sixty days, or nearly sixty days, excluding the five or six days which the Attorney-General took in his opening, where do I find one scintilla of evidence of outrage organised by Sheridan in the west, or of outrage organised <sup>Sheridan</sup> and Boyton by Boyton in the east, in Leinster ? I say there is none.

Again, at page 166, the Attorney-General says this. (it is foreshadowing evidence which, I presume, the Attorney-General was instructed Captain O'Shea would give, but which he did not give) :—

"The interview with Captain O'Shea is most important, because, if what passed between Mr. Parnell and the witness I shall call be true, undoubtedly he knew that Sheridan had been actively and intimately engaged in the promotion of outrages in the west; that Boyton had been actively engaged in the promotion of outrages in Leinster; that Egan had been supplying the funds with which outrages had been promoted, not only in those places, but elsewhere."

My Lords, so much for that, the sixth head of charge.

The seventh charge is this: *That the Invincibles were a branch of the Land League, and were organised and paid by Egan, the Treasurer of the Land League.* <sup>Seventh Charge.</sup>

The Blue Book, at pages 95, 98, 100, 101, 102, 123, and 211, I will proceed to read. The Attorney-General, at page 100, says :—

"That the Invincible party, or I will say the outrage party, of the Land League were prepared to threaten, ay, to do violence, it may be, to Mr. Parnell, because he had denounced them."

On the same page :—

"The result of Mr. Parnell's action in the House of Commons would be to repudiate the action of this Land League body, by which I mean the body who were capable of these outrages."

On the next page, 101 :—

“ Mr. Parnell did state that the Phœnix Park murders, in his opinion, proceeded from some other organisation. It may be that that is a matter which you will have to take into your consideration, but having regard to what I have told you I shall be prepared to prove, about Egan, Brennan, and the men who were convicted, I think you will have no doubt as to the organisation from which those Phœnix Park murders proceeded.”

I need not point out that that means from the Land League.

“ It must have taxed the wit of a man even as clever as he is to know how he could deal with the conflicting elements which were raging around him, the extreme branch of the Land League, or the members of the Land League, who had so acted in connection with what had just gone before.”

The Forged Letters again.

And then in this connection comes in the only ground—the rotten ground—that has given way beneath the feet of the Attorney-General, namely, his reference to the forged letter, Egan to Carey, of the 25th October 1881, as to which he says on page 123: “ You will not fail to note the coincidence in November 1881”—that being the time, your Lordships will recollect, according to the evidence of Delaney, which may or may not be true, that the Invincible conspiracy was first gathering head in Dublin. He spoke of the end of 1881 at one place, and October at another place. And see how the charge is woven into the letters. Having made this broad statement, the Attorney-General refers to the letter Egan to Carey of October 1881—the very time :—

“ I have by this post sent M. £200. He will give you what you want. When will you undertake to get to work and give us (the Land League) value for our money ? ”

And then says the Attorney-General—quite rightly and justly, if the letter were not a forged letter :—

"You will not fail to note the coincidence in November 1881 of this letter of Egan's from Paris, sending the £200 to him (Carey), when value was to be given for their money."

My Lords, does not this let light in upon the forgery of these letters? Does it not show to your Lordships that these letters were forged to fit in with the theory that the Land League and the Land League leaders were parties to this atrocious conspiracy? For it is necessary to bear in mind that that letter was in the second batch of letters, therefore was forged as supplying the demand, the political appetite, for more libels of this kind to fit in with and to support the previous general allegations of libel which had been published without circumstantiality in previous articles.

Then, my Lords, when we come nearer to the day of that awful scene in the Phoenix Park in 1882, at page 98, we have this further letter: 11th March 1882, Egan to some one, I know not whom:—

"DEAR SIR—As I understand your letter which reached me to-day, you cannot act as directed unless I forward you money by Monday's post. Well, here is £50; more if required."

And then your Lordships will recollect finally, in this connection, the letter in which the reference is made to the contribution to the A. fund, and in which the initial letter of the name of the man Mullet, one of the prominent actors in that atrocious scene in the Phoenix Park, is introduced, again written for the purpose of fitting in with the previous general theory designed skilfully—with skilful wickedness designed—to try, by means of these forged documents, to fix the stain of complicity upon the Land League and its leaders.

At page 211 of the Blue Book your Lordships will find a reference to Mr. Egan which is important. It is a reference to Pat Egan. This is the phrase:—

"The man who hinted to the Invincibles that talk would never open the gates of Kilmainham,"

which again is repeated at page 228. My Lords, what was the authority for that statement? Where is the evidence in this case that goes by one tittle—I care not whether evidence from tainted or unworthy sources or not, but from any source—to support that statement? Where did *The Times* get their information? I do not mean to suggest that this was a deliberate coinage out of their own brain, but what was the information? Where was it? It has not been produced. No attempt to produce it has been made, and we have no explanation why it has not been produced.

Your Lordships will recollect that in relation to these Egan-Carey letters, there was one circumstance especially adding to that volume of circumstances which ought even more to have put *The Times* upon its guard, if they were not wholly blinded by a spirit of partisanship, and carried away by the reckless desire to injure political opponents. That was this: it was public information, public knowledge, that a search had been made at Carey's house, that two genuine letters of Patrick Egan to Carey had been found by the police. Those letters have been produced, and are before your Lordships. They are letters perfectly innocent, perfectly harmless, and surely, when in 1887, years after that search, years after the trial, years after the conviction of the men engaged in this atrocious plot, and when there had been nothing forthcoming from any quarter to implicate Egan, or to point to his complicity in that plot—surely it ought to have put *The Times* upon inquiry as to the source from which those letters came; how, if it was addressed to Carey, it had escaped the search of the police; how, if it was addressed to Carey, it had got

Egan and  
Carey.

into the hands from which it reached *The Times*. No! From beginning to end no inquiry. I might almost say, eyes deliberately shut against inquiry into the history of these forgeries.

Then, my Lords, at page 225 of the Blue Book, still under the same seventh head of charge referring to the facsimile letter, published with the article from which I have just read a passage, it says:—

“It is right and necessary to explain that the ‘Dear Sir’ is believed to be Egan, and that the letter was addressed to him in order to pacify the wrath of his subordinate instruments in the Phoenix Park murders.”

And at page 253:—

“But the fact is clear, however it be accounted for, that several months after, he resigned the treasurership.”

I have already referred to that statement about Egan (wholly without evidence) as to his having given a sum of money to some relation of Mr. Byrne’s. But your Lordships will observe the statement there is that it was believed to be addressed to Egan. Well, of course, that has gone to the ground, and been proved to be a forgery, and I suppose it was upon this basis that the Attorney-General felt himself justified, in *O’Donnell v. Walter*, in insinuating that these letters—not this one only, but these letters—were addressed to and received from confederates of Mr. Parnell, as one of the reasons why, in these days of dynamite and assassination, he was not willing to expose those confederates to danger from their disclosure?

My Lords, the eighth charge is: *That Mr. Parnell was intimate with the leading Invincibles; that he probably learned from them what they were about when he was released on parole in April 1882; that he recognised*

Eighth Charge.

*the Phœnix Park murders as their handiwork; and that, knowing it to be theirs, and partly in fear for his own safety, he secretly qualified and revoked the condemnation which he had thought it politic publicly to pronounce.*

At page 169 the Attorney-General, referring to this matter before your Lordships, thought it prudent to try and tone down the weight of the charge which *The Times* had made in relation to this matter directly against Mr. Parnell, as I shall show you, Mr. Justin M'Carthy, and some others. The Attorney-General says:—

“It is no part of my case to suggest, nor do I propose to give any evidence to suggest, that prior to—”

your Lordships will observe the distinction he draws—

“that prior to the Phœnix Park murders, Mr. Parnell had any knowledge of any such murders being contemplated.”

My Lords, I prefer in this matter to take what *The Times* said, to judge what *The Times* wrote, and to ask your Lordships what was the meaning *The Times* intended its readers to adopt? In order to convey the whole of this to your Lordships, I will read a passage of rather greater length than any I have previously troubled your Lordships with. It begins at the bottom of page 200 of the Blue Book:—

“Mr. Parnell was liberated on parole on 10<sup>th</sup> April 1882, to attend his nephew's funeral in Paris. He was late for the funeral, but he passed several days in Paris and in London. Messrs. Egan, Sexton, and Healy, happened to be in the French capital, while Mr. Justin M'Carthy, the chairman, and Mr. Frank Byrne, the general secretary of the League in this country (under its then alias of 'The National Land and Labour League of Great Britain'), went out to meet the Irish mail at Willesden the evening of their leader's release; Mr. Frank Byrne, indeed, 'was the first to enter the compartment and greet Mr. Parnell, whom he warmly shook by

the hand. That gentleman appeared delighted at seeing him,' and expressing (*sic*) his satisfaction at meeting him. But Mr. Parnell had the inexpressible mortification of informing his friends in both cities, that his parole bound him to refrain from politics. His From honour, indeed, was the sole obstacle to the most exhaustive "Parnell-  
ism and discussion of all pending transactions between the confederates. Crime."  
The heads of Mr. Parnell's several organisations were at hand. They had many vital secrets on their minds. They had every facility for private conference with their chief. All of them were not distinguished by a chivalrous regard for truth. But on the 24th Mr. Parnell returned to Kilmainham, his pledge, we are assured, inviolate, in letter and in spirit. He had his reward. He was definitively released on 2d May, and hastened to London with his liberated lieutenants. On Saturday, 6th May, he escorted Michael Davitt from Portland Prison to town. At Vauxhall the chiefs were met by Mr. Frank Byrne, and other favoured disciples. The same evening, Lord Frederick Cavendish and Mr. Thomas Burke were stabbed with amputating knives in the Phœnix Park. The knives were brought to Dublin for the purpose by a woman, whom one of the principal assassins believed to be Frank Byrne's wife. The shock to the public conscience was tremendous. On the Sunday, Davitt drew up a manifesto recording his own horror and that of his co-signatories, Messrs. Parnell and Dillon, at the deed. The same day, Mr. J. E. Redmond, M.P., spoke at Manchester. He, too, condemned the Chief-Secretary's murder. But it is a point of high significance, noted at the time, that at this meeting 'no reference whatever was made to the murder of Mr. Burke.' Not less curious is the prescience which enabled Mr. Parnell to assure a representative of *The France* that 'the crime was neither organised nor executed by the Fenians . . . but by assassins who may, I think, be members of some association much more extreme.'"

My Lords, I reject the attempted gloss which the Attorney-General has sought to put upon that passage. No man who hears me, though I care not what anybody else thinks, except your Lordships, none of your Lordships who heard me read that passage, can doubt what it meant, namely, that it meant to level at the heads of those men who are there mentioned, the charge that

they had personal knowledge of, and that they were taking active part, and had taken active part, in this most atrocious crime.

Again, at pages 216, 217, and 225, there are passages to which I must call your Lordships' attention. One is a letter published in *The Times*, signed X. ; it is included in what is called "Parnellism and Crime":—

"No references were made, as well as I remember, to the document which proved conclusively that Mr. Parnell was in direct association with three of the most infamous of the gang of murderers known as Invincibles."

The letter is signed X. Will it be believed that that has reference to a meeting in relation to the demand for an amnesty to be granted by the Crown to prisoners then remaining in custody who were suffering in respect of the Fenian movement of 1865-67 ; and to an address of welcome to Mr. Michael Davitt upon his release from prison. That amnesty movement, which resulted in that release, was instituted openly. It had at its head Mr. Isaac Butt and citizens of the highest respectability in Ireland, men who had no sympathy whatever with the Fenian movement at all, but who were joining in the appeal to the Crown for the extension of the Crown's clemency in the interest of the peace of the country.

Then there is another letter from a gentleman bearing on the same subject, which relates to that year 1878. I will not dwell upon it. This gentleman has the manliness to sign his name. He is a gentleman from some of whose other writings I have cited, Mr. Philip Bagenal. I have another reference to a letter on page 225. At page 225 they say—this, my Lords, is in relation to the facsimile letter :—

“ We particularly direct attention to the erasure in the manuscript, as undesigned evidence of authenticity; and should any questions be raised as to the body of the letter being in another handwriting, we shall be prepared to adduce proof that this peculiarity is quite consistent with its genuine character.”

My Lords, in reference to the article from which that passage is taken, I will adopt the description given of it by the Attorney-General, at page 143 in the Blue Book, where he says:—

“ There cannot be the slightest doubt that a more gross libel never was written of any public man than this paragraph which I am now reading with reference to Mr. Parnell.”

I agree with the Attorney-General. I adopt his language and description.

Now, my Lords, I come to the ninth and last charge, <sup>Ninth Charge.</sup> and that is this: *That Mr. Parnell on the 23d January 1883, by an opportune remittance, enabled Byrne to escape from justice to France.*

I read in support of that passage one from the Blue Book at page 254 and one at page 256:—

“ It was an opportune remittance from Mr. Parnell himself on the 23d January which had enabled Byrne to escape to France before the warrant for his arrest reached Scotland Yard.”

And this again is repeated in the leader on page 252, with this addition:—

“ That he should have supplied Byrne with funds is quite in harmony with the tone and purport of his letter on the Phoenix <sup>the £100 Cheque.</sup> Park murders.”

And again at page 256:—

“ The question, however, is not one of opinion but of fact.”  
(I agree.) “ If Mr. Parnell supplied Byrne with money to leave the country in January of 1883, the significance of the action cannot be obscured by any casuistic subtleties or argumentative sleight-of-hand.”

Byrne and  
the £100  
Cheque.

I agree, and I am glad that at last I have come to a definite, specific charge which can be definitely and specifically met. The letters formed one definite and specific charge. This forms one definite and specific charge too.

Now, my Lords, let me give your Lordships connectedly the history of the whole matter, giving it not by a statement of my own, but by a reference to contemporaneous written records and contemporaneous written letters. Your Lordships will recollect the statement of Mulqueeny, which I may refer to at this part of the case, namely, that the English branch of the organisation was frequently supplemented with funds from the Irish branch ; that Frank Byrne was the secretary of the English branch, which had no connection with the Irish branch ; that Frank Byrne, as the secretary, was the person who paid the liabilities of the English branch for organisers, and so forth.

Now, my Lords, to recur to the story. A meeting of the executive of the Land and Labour branch of Great Britain was held 15th December 1882, at Palace Chambers, the following minute in its books appears :—

“A letter from the general secretary was read” (that was Byrne), “stating that he was still unfit to return to business, and drawing the attention of the executive to its financial position, there being only a sum of £1 : 6 : 1 on hand if the vote asked for at present meeting should be adopted ; and that very little money would come in during the holidays, while the ordinary expenses would still be running ; and that a printing account of £23 was due. He advised an application to the Irish National League, through Mr. Parnell, for an advance to cover present requirements. The secretary also suggested an adjournment of a fortnight to cover the Christmas holidays.

“At this meeting it was proposed by Mr. Cronin, seconded by Mr. Rogers, and resolved (Mr. J. Carell only dissenting)—‘That

the executive instruct the secretary to apply through Mr. Parnell Byrne and to the Irish National League for a sufficient sum of money to meet the £100 Cheque. our immediate requirements.'"

This is the 15th December. On the 29th December the following minute appears :—

"The general secretary wrote that he was still unfit to return to his duties, and that he had written to Mr. Parnell making application for an advance of £100, to which he had received no reply."

Now, my Lords, the next is a letter of the 1st of January 1882, from Byrne direct to Mr. Parnell. This letter has been disclosed to the prosecution, and they have seen it, or had an opportunity of seeing it. On the 1st of January Mr. Byrne wrote to Mr. Parnell in these words: "Dear sir, I wrote to you about a fortnight since"—and if your Lordships will just bear the dates in mind you will see that will bring you back to the 15th of December, or about the 15th of December, when he was first authorised by the committee to write to Mr. Parnell. That letter is not forthcoming. Mr. Parnell has not been able to find it, but there is no doubt that it was written. Mr. Byrne's letter is in these words :—

"C. S. Parnell, Esq.

"DEAR SIR—I wrote to you about a fortnight since, asking an advance from the Irish National League of £100 for the purposes of our organisation. This letter, Mr. M'Sweeny tells me, you have not received, and as the matter is pressing I now beg to bring it under your notice. At a meeting of the central executive held on Friday, 15th December last, I was instructed by resolution 'to apply to the Irish National League through Mr. Parnell, M.P., for an advance of a sufficient sum of money to meet present requirements.' Less than £100 would be of little use for this purpose. Our liabilities (pressing), including rent due last quarter, being upwards of £100. This state of things

Byrne and the £100 Cheque. is due partly to the non-payment of the usual remittances during the Christmas holidays, but much more largely to the fact that for some time past, owing to a difference in title, etc., we have not seemed to be working on the same lines or in harmony with the Irish National League. For some time our income has been sadly diminishing, and I am convinced will continue to diminish, except we can show by fresh action of ours that we are still fully in accord with the exponents of Irish popular opinion in Ireland. The proposed change of the name and administration of funds will doubtless have its effect if adopted, of which I have no doubt. The branches have been given until the 25th inst. to decide. May I ask you to have this application considered at once, and acquaint me with the results? The executive has not been able to pay salaries to organisers or office staff for the past fortnight.—I am, dear sir, yours faithfully,

“FRANK BYRNE, *Gen. Sec.*”

Now, my Lords, the next is an entry in the minutes of the same body of the 5th of January. At a meeting of the executive held 5th January 1883, the following entry appears on the minutes:—

“A letter was read from the general secretary, who was still too unwell to be present——”

your Lordships will have no doubt when you hear the evidence that Byrne was not shamming illness, but that he had been for a considerable time in ill-health—

“in which it was stated he had not yet received a reply to his application to Mr. Parnell for an advance of £100, and that the financial position of the executive was very bad, the organisers being without salary for three weeks, and dealing generally with the business of the meeting.”

Now, my Lords, Mr. Parnell wrote to the Irish branch this letter on the 9th of January 1883. It is addressed to the hon. secretaries of the Irish National League, Dublin:—

“GENTLEMEN—I have been requested by the executive of the National Land and Labour League of Great Britain to apply to you

for an advance to them for the sum of £100 to enable them to pay Byrne and some current expenses pending their re-organisation on the lines of <sup>the £100</sup> Cheque. the Irish National League.

“I may explain that the treasurers of the late Land League were in the habit of making the League of Great Britain similar advances from time to time, and I shall be very glad if you will bring this application before the next meeting of the organising committee, and say to them that I think it desirable that the grant should be made.

“I beg to enclose you exchange on the Consolidated Bank of  , Limited, for £206 : 3 : 8, which I have received from the Newark branch of the League, New Jersey, and also two letters accompanying same, which I will thank you to have published in the *Freeman's Journal*, *United Ireland*, and *The Nation*, when publishing your next list of acknowledgments.

“I think it would be well to have fortnightly meetings of the Organising Committee on some fixed day, so that all members might know when to attend them, as there will probably be sufficient business for us to consider at these meetings.

“I also beg to enclose a note for £5 which has been sent to me anonymously, accompanied by the following memorandum: ‘To the Irish National League, from one who most unhappily has written, spoken, and thought evil of Ireland's friends.’ In acknowledging this sum I shall be glad if you will also give the memorandum.

“Please send a formal receipt to Mr. Mullen, whose address you will find in the enclosed letter, and oblige yours very truly,

“CHARLES S. PARRELL.”

Now, my Lords, that is on the 9th. It comes before the organising committee of the League in Dublin on the 17th, and this resolution is moved and carried:—

“On the motion of Mr. Thomas Sexton, seconded by Mr. J. J. Clancy, it was resolved—That the application of Mr. Parnell for a grant of £100 in aid of the Land and Labour League of Great Britain should be acceded to, and the treasurer was empowered to forward the amount.”

And in the cash-book of the League, under the date of the 18th January 1883, appears this entry:—

Byrne and  
the £100  
Cheque.

“By sum voted to the Land and Labour League of Great Britain, at direction of Mr. Parnell, £100.”

And on the 23d of January Mr. Parnell writes to the secretary of the Dublin branch a letter of acknowledgment thus:—

“DEAR MR. HARRINGTON—I have received your letter of the 20th instant, with cheque for £100, which I have handed to the secretary of the Land and Labour League of Great Britain, with a request that formal receipt be sent to Mr. Webb for same in due course, as you suggest.”

Mr. Webb was the treasurer of the League in Dublin.

Now, my Lords, there are two other letters I have to read to make this matter perfectly clear to your Lordships. Those are the letters of Mr. Frank Byrne to the executive of the English branch of the 8th of February 1883, and the letter from the same Mr. Frank Byrne to Mr. Quinn, treasurer of the English branch of the League, on the 10th of February 1883.

It is set out at page 2887:—

“8th February 1883.

“GENTLEMEN—I regret much that since I left home I have not been able to write to you before now, as in addition to my lung complaint I have been suffering from rheumatism in my right hand and arm, which made it impossible for me to write. It is much better now, but still far from being in a state to permit me to write much. I was, as you have no doubt been informed by Mr. M'Sweeney, obliged to leave suddenly by the positive orders of the doctor, and could not, in consequence, communicate with you previous to my departure. Mr. M'Sweeney will also have informed you that I received the promised cheque, £100, from Mr. Parnell, on the day I left London. Immediately on my arrival in Paris I proceeded to discharge all the liabilities for which I had authority, and I now enclose balance-sheet showing income and expenditure from 30th December. You will see I have no account of either since 20th January, except so far as re-adding the receipt of £100 on 23d, and cash sent to Mr. Walsh, for fortnight ending 20th January, and my own salary up to Saturday next. The cash

sent to Mr. Walsh was not authorised by you, as his returns, which I now enclose, have not yet come before you. They are of the usual character, and I hope you will adopt them to-morrow night. I shall to-morrow forward to Mr. Quinn cheque or draft for amount on hand, £35 : 17 : 7½, and Mr. M'Sweeney will, no doubt, supply you with account of receipts and expenditure since 20th January. As it is impossible for me to conduct the business of the organisation from such a distance, and as it is likely to be some weeks before I shall be fit to return, I would respectfully request you to relieve me for the present from the responsibility attached thereto, and I would also suggest that as your income at present is not large, that you would consider whether you are in a position to continue to pay a salary of an official who cannot perform his duties. While making this suggestion I would also remind you that my position is not an independent one. If not already done, I would advise the official alteration in the name, etc., of the organisation, and its announcement to the branches immediately. I shall be happy to hear from you in reply, and information upon any point you may require I shall, of course, supply at the earliest moment.—I am, gentlemen, yours faithfully,

“FRANK BYRNE, *Gen. Sec.*”

The other letter to Mr. Quinn is at 2408, and is as follows:—

“10th February 1883.

“MY DEAR QUINN—I daresay you will have heard before now that I had left London for a warmer climate, in accordance with the positive orders of the doctor. I was obliged to leave suddenly or I should have tried to see you before my departure.

“I am glad to say that already I find a considerable improvement. The doctor thinks, however, that as soon as I am sufficiently strong I should take a long sea voyage, and he recommends America. I did not like the idea, but if my restoration to health depends upon it, of course I must go.

“I enclose you a cheque for £35 : 17 : 7, the amount of cash in my hands belonging to the executive. At the last settling we had you held a sum of £1 : 6 : 1, so that you will now have £37 : 3 : 8 in hand.

“If you can spare the time, and have the inclination, you might drop me a few lines here.

Byrne and  
the £100  
Cheque.

“I wish you would attend next executive meeting and inform them of receipt of this, or else write them.—I am, dear Quinn, yours faithfully,

FRANK BYRNE.

“P.S.—Kind regards to Mrs. Quinn and Tom.”

My Lords, I have a serious comment to make upon this allegation. Let me remind your Lordships of what the allegation is.

“It was an opportune remittance from Mr. Parnell himself on the 23d January which enabled Byrne to escape to France—that he should have supplied Byrne with funds is quite in harmony with the tone and purport of his letter on the Phoenix Park murders. The question is not one of opinion, but fact. If Mr. Parnell supplied Byrne with money to leave the country in January 1883, the significance of the action cannot be obscured by any casuistry or subtleties or argumentative sleight-of-hand.”

What authority had they for making that original statement? They had not, we have been told, I have no doubt truly told upon his instructions by the Attorney-General—they had not known of the letter to Quinn the treasurer until the eve of the *O'Donnell v. Walter* trial. They had not any knowledge of the letter to the executive until during the time of the *O'Donnell v. Walter* trial, and it comes, says Mr. Macdonald, to him from what quarter he knows not, in an envelope without a name or anything to identify its sender. If then he had neither the letter to the executive nor the letter to Quinn the treasurer, where was the information upon which this grave, this wicked charge was based? Were the representatives of *The Times* receiving information from traitors in the employment of the Land League, and were they daring, were they venturing upon such information, from such tainted sources, to launch without inquiry such accusations of defamation against the character of public men?

Now, my Lords, that the story has been told, what does it disclose? A plain, straightforward, thoroughly innocent transaction, in which Mr. Parnell is merely made in the first instance the medium of communication with the Dublin branch, and in the next instance he is made the medium of communication from the Dublin branch to pass on a cheque to Mr. Byrne. Byrne and the £100 Cheque.

But I go further, and I say that if they had had in their possession both these letters, not only would it have been no foundation for the charge, but it ought to have conveyed to them, if their minds and judgments were not wholly blurred, and their sense of right feeling and discretion wholly gone, it ought to have conveyed to them, one or other or both of the letters, that that was a perfectly honest, open, and above board transaction, free of the imputation of guilty connivance with escape of a guilty criminal.

My Lords, the rest of this transaction is easily told. Mr. Byrne handed the cheque, there being no bank account of the English branch of the League, to Mr. Justin M'Carthy, and Mr. Justin M'Carthy gave his own check in exchange. And when Mr. Justin M'Carthy's attention was called to that matter, in July 1888, that is to say, some five years after the event, he stated in the House of Commons—erroneously stated in the House of Commons—that he had given his check for £100 to Frank Byrne in exchange for a number of smaller cheques which Frank Byrne had given to him. I say erroneously stated, but the error was of no significance whatever, because he had been in the habit of doing that just as others, I think Mr. Foley amongst them, had been in the habit of doing it, namely, of giving their own cheques to Mr. Frank Byrne in exchange for cheques which had been paid in as contri-

Byrne and  
the £100  
Cheque.

butions to the funds of the League. And the only error that Mr. Justin M'Carthy, who, of course, will be called before your Lordships, committed, was in stating that he gave this cheque for £100 in exchange for several cheques, in place of stating he had given it in exchange for one of £100.

My Lords, that is the whole story of this matter, and I think no words of mine could add to the simple, clear, unmistakable view it gives to a transaction which has formed the subject of so formidable a charge in this case.

Now, I have to ask your Lordships, in view of this terrible indictment, to turn your Lordships' minds back to the evidence by which it has been sought to support it. How insignificant, how utterly weak that evidence seems. The indictment is broad, serious, of the gravest kind! When it consists of specific charges as to the letters, as to the £100 cheque we have met and disproved them. When they are general, by what fragmentary proof are they sought to be supported, and by fragmentary proof, from what tainted and unworthy sources!

The Writer  
of "Par-  
nelli-  
sm and  
Crime."

My Lords, we have been told that the writer of these libels was a young gentleman, and, I am sorry to say, an Irishman. I do not wish to make harsh comments upon him—I thought he would have been called into the box, and that we should have had some opportunity of following up the attempt my learned friend Mr. Asquith made with Mr. Macdonald, to try and find out what were the foundations for various grave allegations in these libels, but he has not been called. He seems to be possessed of considerable literary ability. I think he might have employed his talents otherwise than using them to defame his countrymen, and to discredit his

country's cause. He has shown ingenuity in patching together, in a curious piece of literary mosaic—in scraps and patches—a grave indictment against the Irish leaders; but it is due to him to say that he was after all but the machine, the creature who was employed to do the work of vilification. The pen was put into his hands by others—a pen steeped in political gall. His object seems to have been, or the object of those who inspired him seems to have been, to make charges broad enough, strong enough, blasting enough to the reputation of men he had known; and sad experience shows that if you only launch accusations strong enough and frequently enough, you will succeed, however foundationless those accusations may be, in injuring the man or the men against whom they are directed—

“A thousand blacker names, worse calumnies,  
All wit can think and pregnant spite devise.  
Strike home, gash deep, no lies nor slander spare;  
A wound, though cured, yet leaves behind a scar.”

My Lords, we have endeavoured to lay our case before you to the best of our ability in some methodical fashion. We have endeavoured to show, and we claim to have shown, as accounting for the crime which your Lordships are inquiring into, and its origin, that in former times there had been greater crime in greater volume, of the same class, proceeding from the same causes, directed against the same classes of people, and that with recurrent distress there had been the recurrent recrudescence of crime. We have endeavoured to show to your Lordships, and we believe we have shown by authentic, contemporaneous official records mainly, that there was in 1879, 1880, and in 1881 widespread, deep distress and misery in Ireland. We claim to have shown that there was a failure of Parliament, although

the House of Commons made an attempt in that direction, that there was a failure of Parliament to meet the needs of the time, by offering to the class of tenants in Ireland, who most needed it, temporary protection from civil process of ejectment in their distress. We have shown your Lordships that the landlord class failed, in circumstances of the time, to meet broadly, generously, patriotically, the necessities that were pressing at that time upon their unhappy country ; and, my Lords, we have shown you that in the circumstances of the time it was nothing less than could have been expected that the people thus left without protection, which the representative House of the Legislature had decided that they needed, should resort to combinations amongst themselves to guard against, and if they could, to prevent the recurrence of the nameless horrors of the famine years of 1846 and 1847.

My Lords, I have said before, and I say again, your Lordships are trying the history of 10 years of revolution in Ireland, revolution partly social, partly political, and you are trying that revolution at a moment when, by legal process of the Queen's courts, the Irish people are gathering the fruits of that revolution.

I would ask your Lordships without predilection, political or otherwise—I know your Lordships will try, I have never doubted, never thought otherwise, and that your Lordships will endeavour honestly to try this case upon the evidence, and that you will apply in the consideration of its broad outlines that same fair, that same generous consideration which would be extended to it by any body of intelligent men if they were considering a similar case of a similar history in another country.

My Lords, I was obliged to speak early in the course of my observations of one cause which unquestionably

seriously operates in Ireland to produce distrust of law and administration, and to create a chasm—it is a grievous thing it should be so—between the people and the enforcement of the law. I will not trouble your Lordships with any lengthened observations upon that point, but as the question of motive for the actions of men who are here accused largely enters into the consideration of the general question, I should like to point attention to what those causes or some of them are. I shall do it very briefly, mentioning meanwhile that the Irish party have again and again tried by the action of Parliament to remove some of those disturbing causes.

## XVIII.

### CONCLUDING OBSERVATIONS

My Lords, there are two parties in Ireland, and two parties only in Ireland. There is the party which desires that the law, the government, the administration shall be in accordance with the wants and the wishes of the majority of the people of Ireland; that is one party. There is another party who affect to believe, many of them I am sure honestly believe, that they are very much better judges of what the interests of the people of Ireland demand than are the majority of its people. The former party may be called the Nationalist party, the latter goes by various names. Sometimes it is the party of the "respectable class." Sometimes it is the party of the "loyal minority." Sometimes it is the party of "law and order." My Lords, loyalty, law, order are terms which have been much misapplied, much misused in Ireland. The essential differences between the two parties are these. First, that the majority of the nation look for their support, for their impulse, from the people of Ireland, and that the other party look for their support and influence, not to the people amongst whom they live, but to forces external to Ireland.

The next difference is that the one party is a great political power in Ireland, the other, as I have shown

your Lordships from the election returns which I cited the other day, has ceased to be a political power in Ireland.

But, my Lords,—strange phenomenon, a phenomenon, so far as I am aware, unknown in the history of any country in the world which is supposed to be governed under a constitution, and under a representative constitution,—the smaller party, looking for its influence and support outside Ireland, possesses at this day all the positions of executive power and of administrative authority in the land. As *ex officio* guardians they control the unions, as grand jurors they control the counties. They are the class from whom magistrates paid and unpaid are selected. They furnish the district inspectors and inspectors of police. They crowd the boards of education, the Asylums Board, the Board of Works, and the Local Government Board—each one of these being boards without representation—they alone have touch of the Castle and its tenants, and the Castle and its tenants have no touch with the popular mind and popular opinion in Ireland.

My Lords, I am not exaggerating this story. I would like to read words graver and weightier than my own, and adopt them as my own. The words are these :

“I do not believe that the great majority of Englishmen have the slightest conception of the system under which this free nation attempts to rule a sister country. It is a system which is founded on the bayonets of 30,000 soldiers encamped permanently as in a hostile country. It is a system as completely centralised and bureaucratic as that with which Russia governs Poland, or as that which was common in Venice under Austrian rule. An Irishman at this moment cannot move a step ; he cannot lift a finger in any parochial, municipal, or educational work, without being confronted, interfered with, controlled by an English official appointed by a foreign Government, and without a shadow or share of representative authority.

say the time has come to reform altogether the absurd and irritating anachronism which is known as Dublin Castle—to sweep away altogether these alien boards of foreign officials, and to substitute for them a genuine Irish administration for purely Irish business."

That, my Lords, is not the excited language of an excited agitator: it is the language of a man who is a privy counsellor of the Queen, and has served in offices of the State, Mr. Chamberlain, spoken not many years ago, but in 1885. And again:—

"It is difficult for Englishmen to realise how little influence the people in Ireland have in the management of even the smallest of their local affairs, and how constantly the alien race looms before their eyes as the omnipresent controlling power. The Castle, as it is called, is in Ireland synonymous with the government. Its influence is felt, and constantly felt, in every department of administration, local and central, and it is little wonder that the Irish people should regard the Castle as the embodiment of foreign supremacy. The rulers of the Castle are to them foreign in race or in sympathy, or in both. . . . If the object of government were to paralyse local effort, to annihilate local responsibility, and daily to give emphasis to the fact that the whole country is under the domination of an alien race, no system could be devised more likely to secure its object than that now in force in Ireland."

That was the language published later in 1885 by the same statesman. Is it wonder, in the face of this, that there should be distrust, that there should be alienation from the law, that there should be no faith in the administration of justice, because the people have no part in and there is no assent asked to that administration, no responsibility, because there is no power placed upon the people?

My Lords, one other point I would mention, because it is directly in question in the consideration of some branches of this case. In this country the executive stand apart, speaking generally, from putting in force the

criminal law of the land—in greater part in putting in force the criminal law of the land—I am not saying whether the system is right or not, where there are no disturbing political questions, but so it is. But the putting in force the criminal law of the land is in great part in this country still left to the voluntary action of the persons supposed to be aggrieved. In Ireland the whole action of the administration of the criminal law is set in motion and controlled directly by the hands of the executive, by the Attorney-General—a political officer of the day—and there is, or until lately there was, in Ireland a functionary unknown in this country, called the Law Adviser of the Castle, who is brought in contact constantly with the magistrates, to whom the magistrates constantly refer for advice—I might almost say for direction. And whether upon grounds sufficient or insufficient—I do not stop to dwell upon or inquire—the feeling is created in the minds of the class of people against whom the law is more commonly so put in motion that it is all the action of the executive, which means the action of the Government.

My Lords, I have spoken of this small but important section of the Irish community which may be called, though a minority, the absolute governing class in the community. Mr. Parnell and Mr. Parnell's associates have earned the uncompromising hostility of that class. It is perhaps the highest tribute to the worth of his labours that he has done so.

We are told that there are signs of returning prosperity in Ireland—a gleam of returning health across the face of the country. If it be so, fervently I would say *Deo gratias*. We are told that crime is lessened in Ireland, if it be so, again I would say *Deo gratias*. But, my Lords, it cannot be a sound, it cannot be a

healthy, it cannot be a stable state of things, when there are such scenes as are now (in relation to that very Land Question) being enacted in Donegal ; and when there are no less than 25 members—representative members of the Irish people—in prison. If they have committed crimes odious to men of moral sense, by all means, if they were ten times members of Parliament, let them be sent there ; but the significant condition of things in their regard is this, that they are not even in this land—even in this free land of England, regarded by a large section of its community as criminals, while in their own land they are regarded as heroes and martyrs in a sacred cause.

My Lords, I will not pursue the subject, though I might desire to say more upon it. I will, however, say this much. This I believe to be the true, the best guarantee for peace and order, in the prevention of, the recurrence of, the painful crime that your Lordships have been inquiring into, is in the belief and hope, strong in Irish breasts to-day, that the time has come when the state of things that has caused this must come to an end.

My Lords, for their work in bringing this “consummation, devoutly to be wished,” close at hand, the Irish party stands before your Lordships’ bar to-day. They can point to marvellous work in 10 years ; marvellous in the condition in which that work has been accomplished.

Then, in the beginning of those years, it is no exaggeration to say, the Irish peasant farmer stood trembling, “with bated breath and whispering humbleness,” in the presence of landlord, agent, bailiff, for that man’s fate was verily in the hollow of their hands. He had no spur to industry, and no security that he should reap where he had sown.

To-day he can stand erect as becomes a free citizen in a free community, and although the charter of his liberty may not yet be complete, he has derived solid protection from the legislation of 1881, and the subsequent legislation which the action—the agitation as it has been called—of these men has helped to accomplish.

My Lords, then, with a restricted narrow franchise Ireland spoke with an uncertain, with a stifled voice; now with fuller franchise Ireland speaks as a practically united people.

Then, my Lords, secret organisations burrowed beneath the surface of society and constituted a great political and social factor in the land.

To-day, thank God for it, the great mass of the people have been won to bending their energies and fixing their hopes upon constitutional means of redress.

Then, my Lords, the great mass of the people were possessed with the feeling of despair for past efforts made and unrequited sacrifices; to-day hope is strong and is buoyant in their breasts.

Then they looked upon their countrymen in this land with distrust if not with hate; to-day they hold out the hand of brotherly friendship, anxious to let bygones be bygones, and to bury for ever memories of the persecutions and miseries of bygone days.

Then, my Lords—perhaps the most hopeful change of all—the people of this country, busied with their own concerns, knew little and thought little of and cared little for Ireland. Now they have taken this question to heart, and, recognising the truth that misrule in Ireland means weakness to the empire, they have in recent years manifested an interest in the solution of this question formerly unknown.

My Lords, I have come to an end. I cannot sit down without expressing the obligation I owe to your Lordships, not only for an attentive, but an indulgent hearing. I have spoken not merely as an advocate. I have spoken for the land of my birth. But I feel, and profoundly feel, that I have been speaking for and in the best interests of England also, where my years of laborious life have been passed, and where I have received kindness, consideration, and regard, which I shall be glad to make some attempt to repay.

My Lords, my colleagues and myself have had a responsible duty. We have had to defend not merely the leaders of a nation, but the nation itself. To defend the leaders of a nation whom it was sought to crush ; to defend a nation whose hopes it was sought to dash to the ground. This inquiry, intended as a curse, has proved a blessing. Designed, prominently designed, to ruin one man, it has been his vindication.

In opening this case I said that we represented the accused. My Lords, I claim leave to say, that to-day the positions are reversed. We are the accusers ; the accused are there.

I hope—I believe—that this inquiry in its present stage has served, and in its future development, will serve more purposes even than the vindication of individuals. It will remove baneful misconceptions as to the character, the actions, the motives, the aims of the Irish people, and of the leaders of the Irish people. It will set earnest minds—thank God there are many earnest and honest minds in this land—thinking for themselves upon this question. It will soften ancient prejudices. It will hasten the day of true union, and of real reconciliation between the people of Ireland and the people of

Great Britain ; and with the advent of that union and reconciliation, will be dispelled, and dispelled for ever, the cloud—the weighty cloud—that has long rested on the history of a noble race, and dimmed the glory of a mighty empire.

THE END













